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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992	June 30, 1992	July 7, 1992	29	July 17, 1992
Dec. 31, 1991	Jan. 7, 1992	3	Jan. 17, 1992	July 7, 1992	July 14, 1992	30	July 24, 1992
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Jan. 14, 1992	Jan. 21, 1992	5	Jan. 31, 1992	July 21, 1992	July 28, 1992	32	Aug. 7, 1992
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Apr. 28, 1992	May 5, 1992	20	May 15, 1992	Nov. 2, 1992 (Mon)	Nov. 10, 1992	47	Nov. 20, 1992
May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Nov. 30, 1992 (Mon.)
May 12, 1992	May 19, 1992	22	May 29, 1992	Nov. 17, 1992	Nov. 24, 1992	49	Dec. 4, 1992
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June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Dec. 29, 1992	2	Jan. 8, 1993

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

INTRODUCTION

The Illinois Register is the official record of the State of Illinois. It contains all the laws, resolutions, and orders of the General Assembly, and all the executive orders of the Governor. The Register is published annually, and is a valuable source of information for the public. It is also a record of the State's history and progress.

The Register is published by the Illinois State Register Company, which is a subsidiary of the Illinois State Printing Company. The Register is published in two volumes, one for the first half of the year and one for the second half. The Register is published in English, and is available in microfilm and microfiche format.

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1	9	Sep 1, 1982	100	\$1.00
1	10	Oct 1, 1982	100	\$1.00
1	11	Nov 1, 1982	100	\$1.00
1	12	Dec 1, 1982	100	\$1.00
2	1	Jan 1, 1983	100	\$1.00
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Prices are subject to change without notice. The Illinois State Register Company is not responsible for any errors or omissions in this schedule.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

1) HEADING OF THE PART: Urban Forestry Grant Program

2) CODE CITATION: 17 Ill. Adm. Code 1538

3) SECTION NUMBERS:

1538.5	<u>PROPOSED ACTION:</u>
1538.10	New Section
1538.20	New Section
1538.30	New Section
1538.40	New Section
1538.50	New Section
1538.60	New Section
1538.70	New Section
1538.80	New Section

4) STATUTORY AUTHORITY: Implementing and authorized the Urban Forestry Assistance Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 9301 et seq.).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This administrative rule provides necessary guidelines for the enactment of the Urban Forestry Assistance Act of 1984 using federal funds provided through the urban and community forestry program.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED RULES CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule deals with a Grant Program in which municipalities may participate voluntarily. The rulemaking does not regulate small businesses.

THE FULL TEXT OF THE PROPOSED RULES BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRYPART 1538
URBAN FORESTRY GRANT PROGRAM

Section

1538.5	Purpose
1538.10	Definitions
1538.20	Eligibility
1538.30	General Information
1538.40	General Procedures
1538.50	Urban Forestry Plan Approval
1538.60	Eligible Urban Forestry Projects
1538.70	Evaluation Priorities
1538.80	Program Information

AUTHORITY: Implementing and authorized by the Urban Forestry Assistance Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 9301 et seq.).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 1538.5 Purpose

The purpose of the Urban Forestry Grant Program is to provide financial assistance to municipalities for the implementation of Urban Forestry Plans.

Section 1538.10 Definitions

- a) "Urban Forestry Master Plan" means a written comprehensive plan describing how a municipality will protect, enhance, conserve, maintain and expand the urban forestry resource. This plan links together all aspects of a municipality's Urban Forestry Projects into a comprehensive document.
- b) "Equipment" means tangible items of a non-consumable nature exceeding \$100.
- c) "Urban Forestry Plan" or project means a written plan documenting proposed action to be implemented to complete a specific project approved by the Department pursuant to this Act.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

Section 1538.20 Eligibility

- a) Participation in the Urban Forestry Grant Program is limited to cities, villages or incorporated towns with more than 275 inhabitants.
- b) A municipality's Urban Forestry Plan must be approved by the Department of Conservation before a grant will be awarded.
- c) Municipalities must have, or during the course of this grant, shall develop and put into effect an urban forestry ordinance or resolution addressing their commitment. The purpose of the ordinance is to define the city's responsibility regarding public trees and other vegetation and to provide a legal basis for appropriating funds for urban forestry programs.

Section 1538.30 General Information

- a) Grants are awarded for implementing Department approved Urban Forestry Plans. The municipality's application for a grant is evaluated based on the priorities defined in Section 1538.70.

- b) Municipalities may apply jointly for approval of Urban Forestry Plans and grants.

- c) The total number of grants awarded each calendar year is dependent on the size of the grants and the total amount of funds available for the program in the given fiscal year (July 1 - June 30).

- d) Urban Forestry Plans will be approved by the Department of Conservation for two-year periods. After two years, the municipality must reapply for approval.

- e) Grants will not be awarded for the purchasing of equipment.

- f) Grant money is limited to Urban Forestry Plans for which the municipality will provide at least 50% of the cost. The municipality's share of the project cost must be budgeted at the time of application. The municipality's share of the cost may be made by contribution of in-kind service. The municipality should set forth, in the application, in detail how such contribution will be made and document in-kind contribution.

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NOTICE OF PROPOSED RULES

- g) A grant to any one municipality shall not exceed \$10,000 per year.
- h) The Urban Forestry Grant Program operates on a reimbursement basis only. Reimbursement is provided upon completion of the approved Urban Forestry Project and filing proper expenditure documents on forms provided by the Department.
- i) All project costs incurred before the municipality receives notice that they will receive a grant are not eligible for reimbursement.
- j) Only one application for an Urban Forestry Grant will be accepted from any one municipality per year.
- k) Grants are not for ongoing projects but for new projects, programs or expansion of existing projects.
- l) Documentation of expenditures by a municipality shall be subject to audit by the Department.

Section 1538.40 General Procedures

- a) Necessary application forms are available from the Department of Conservation, Division of Forest Resources, 600 North Grand Avenue West, Post Office Box 19225, Springfield, IL 62794-9225. Urban Forestry grant applications shall consist of the following basic requirements:
 - 1) A completed application form with a complete narration of the proposed project.
 - 2) A copy of the municipality's urban forestry ordinance.
 - 3) A map of the municipality showing the location of the proposed project.
 - 4) A copy of the municipality's Department or Tree Board approved Urban Forestry Plan.
 - 5) A document showing how the municipality has budgeted for the Urban Forestry Plan.

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- 6) Other supportive documentation.
- b) Applications for grant assistance must be received on or before the date posted by the Department. Municipalities will be notified as to the qualification or non-qualification of their application within 30 days of its receipt. Municipalities whose applications meet the qualifications specified in the Urban Forestry Assistance Act and this Part will be ranked according to the priorities in Section 1538.70. When grant funds are available, funds will be obligated to qualified communities based on their rank. Municipalities may apply for grants within dates as publicly announced for unobligated funds. These applications will be evaluated for qualification in the same way as previous applications. However, the grants will be awarded on a first serve basis.
- c) Urban Forestry Plans must be implemented and completed by a date mutually agreed upon by the Department and the municipality.
- d) During the implementation of an Urban Forestry Plan, if it is necessary to make changes in scope, plans and/or specifications, the municipality shall obtain the Department's approval prior to any change. Changes shall be made a part of the project file and kept available for audit.
- e) The Department may make on-site inspections, as deemed necessary in relation to the scope of the Urban Forestry Plan, to check progress and compliance with all applicable laws and specifications.
- f) It is the responsibility of the municipality to contact the Department to arrange the final on-site inspection prior to distribution of grant funds.
- g) After a completed Urban Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the local agency prepares and submits a billing request to the Department for reimbursement of up to 50% of the approved project costs. Approved project costs are those that were budgeted for in the municipality's budget and included in the Department-approved Urban Forestry Plan.
- h) Municipalities that do not meet the objectives or provide

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adequate documentation will not receive grant funds.

Section 1538.50 Urban Forestry Plan Approval

- a) A municipality or its representative may develop an urban Forestry Plan and submit it to the Department of Conservation, Division of Forest Resources along with the application for approval. The Urban Forestry Plan shall include:
 - 1) Information about the community such as its previous urban forestry programs and the importance of urban forestry to the community.
 - 2) a narrative relating the importance of urban forestry in the community to the objectives of the Urban Forestry Plan.
 - 3) A list of tangible objectives such as, number of trees to be planted, number of people to be trained, etc.
 - 4) A narrative describing the proposed projects.
 - 5) A narrative explaining how the proposed projects will be the met objectives of the community.
 - 6) A statement describing how the project will promote a community urban forestry program on a long-term basis.
 - 7) An itemized budget for the proposed project.
- b) Any municipality whose plan is not approved may appeal to the Regional Review Committee pursuant to 17 Illinois Administrative Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Urban Conservation Program Manager. The appeal must be made within 30 days from the date that the plan or practice was not approved.

Section 1538.60 Eligible Urban Forestry Projects

Grant Assistance may be obtained for, but not limited to:

- a) Tree planting demonstration on public owned or controlled property.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED RULES

- b) The control of tree insect and disease agents.
- c) The collection and organization of data, such as site, location and condition of trees along city streets or in parks. (Street Tree Inventory)
- d) The development of an Urban Forestry Master Plan.
- e) The training of municipal employees in tree care practices such as pruning, fertilizing, cabling and bracing.
- f) Urban forestry educational and appreciation programs for the general public.
- g) The removal of hazardous, nuisance and dead trees from public property.
- h) The hiring of urban forestry personnel, consultants, interns or tree care companies to complete a Department of Conservation-approved Urban Forestry Project
- i) The establishment of a tree board and tree forestry ordinance.
 - 1) The ordinance must indicate the need for the urban forestry program. For instance, the health, safety and welfare of the community's residents and the beauty of the community are two examples indicating need.
 - 2) The ordinance must establish the division, department, board or other authority that will have the legal responsibility of implementing Urban Forestry Plans. The ordinance must specify the duties and responsibilities of the authority. If the authority is a board or commission, the ordinance must specify the number and qualifications of the members and their term of office.
 - 3) The ordinance must state that one of the responsibilities of the authority is to develop written standards for tree planting and maintenance pursuant to the National Arborist Association's Pruning Standards for Shade Trees, available from the National Arborist Association, Post Office Box 1094, Amherst, NH 03031-1094.

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- 4) The ordinance must define who has the authority to plant and maintain trees on public property.
- 5) The ordinance must contain a provision for the removal of hazardous or diseased trees from private property.

Section 1538.70 Evaluation Priorities

a) Awarding of urban forestry grants will be determined by a competitive application process. The following criteria will be used to evaluate and select Urban Forestry Plans for grant funding.

- 1) The need for the development of an Urban Forestry Master Plan as indicated by public support documented by letters and petitions indicating the desire of citizen's participation in urban forestry programs.

- 2) The need for the proposed Urban Forestry Project as documented by an Urban Forestry Master Plan, a comprehensive plan or other long-range planning document.

- 3) The need for the Urban Forestry Project as indicated by public support. Public support must be documented by letters, petitions, evidence of citizen participation in urban forestry programs especially participation in the project proposed in the Urban Forestry Plan or copies of residents' requests for urban forestry assistance.

- 4) The commitment of individuals, businesses and other local organizations to the Urban Forestry Plan, as demonstrated by attendance at local participation meetings, volunteer service, funds raised or other in-kind contributions (based on population).

- 5) The need for assistance based on the receipt of grant funds from the Department of Conservation for implementing Urban Forestry Plans within the past five fiscal years. Those communities which have not received funds will have priority over those who have.

- b) Special consideration will be given to those Urban

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Forestry Projects:

- 1) Which are joint efforts between two or more municipalities.
- 2) Which effectively shows a significant reduction in energy consumption.
- 3) Which utilize waste materials, i.e., logs, brush, wood chips, etc.
- 4) Which increase the opportunities for full or part time jobs in urban forestry and related fields.
- 5) Which have not been an active part of the municipality's programs within the past five years.
- 6) Which contribute to community development, appreciation, and continued awareness of the importance of the urban natural resource.
- 7) The establishment of tree and improved management of the urban forest resources.

Section 1538.80 Program Information

Information regarding the Urban Forestry Grant Program may be obtained by writing to:

Illinois Department of Conservation
Division of Forest Resources
600 North Grand Avenue West, P. O. Box 19225
Springfield, Illinois 62794-9225
PHONE: 217/782-2361

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: Proposed Action:
2732.305 New Section
- 4) Statutory Authority: Ill. Rev. Stat., 1989, ch. 48, pars.
315, 316, 322, 610 and 611.
- 5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment provides the standards used by the agency in its interpretation of who is the employer in cases arising where a leasing firm provides workers to another employing unit.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objective? Not Applicable.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 3, 1992.
Types of small businesses affected: All businesses subject to the Unemployment Insurance Act.
Reporting, bookkeeping or other procedures required for compliance: None - this amendment only sets forth the agency's standards for determining the employer in employee leasing situations.
Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.200 Section 212 Of The Act - Services In Employment
2732.210 Mandatory Jury Service

SUBPART C: DETERMINING THE EMPLOYER2732.305 Employee Leasing Companies

AUTHORITY: Implementing and authorized by Sections 205, 206, 212, 1700, and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 315, 316, 322, 610 and 611).

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 16 Ill. Reg. ____, effective ____.

SUBPART C: DETERMINING THE EMPLOYERSection 2732.305 Employee Leasing Companies

a) The words and terms used in this Section shall have the following meanings:

- 1) "Client" shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;
- 2) "Employee leasing company" (also referred to as an employee service company) shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;

Example: An on-going business lays-off its workers and then they are immediately hired by the employee leasing company. This transaction exemplifies supplying workers to a client.

DEPARTMENT OF EMPLOYMENT SECURITY

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3) "Worker" means an individual provided by an employee leasing company to perform services in employment for its client.

b) Notwithstanding any contractual provisions which designate who is the employer, an employee service company is the employer of a worker only if, in fact, the employee service company performs all of the following functions;

1) Retains the sole authority to hire, promote, discipline and terminate the worker. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

A) Who recruits, interviews and tests the prospective worker and subsequently makes the hiring decision?

B) Who formulates rules and regulations which are applicable to worker conduct regardless of where the worker is placed?

C) Who does the worker notify of any absences and requests for leave?

D) Who resolves any worker dissatisfaction concerning conditions of employment?

2) Assigns or approves the worker to perform services for the client. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

A) Does the client independently negotiate with the worker regarding conditions of employment?

B) If the client becomes dissatisfied with the performance of the worker and requests reassignment of the worker, who makes the decision whether to discharge the worker or reassign him to another client?

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

- C) Who provides on-site supervision of the worker, prepares and sets a work schedule for workers at the job site and sets performance standards or time requirements for the completion of the client work assigned?

- 3) Decides the total compensation paid to the worker, including rate of pay and benefits. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

- A) Who determines the hourly rate or salary of the worker and also decides whether to provide pay increases or decreases?

- B) Who provides the medical and hospitalization insurance, life insurance and pension benefits?

- C) When a package of the benefits listed in (B) above are provided, are they comparable regardless of the client?

- D) Who not only issues a check for the worker's hourly wages but also pays sick, vacation and bonus compensation? Moreover, who reimburses the worker for his expenses?

- 4) Incurs liability for the State and Federal employment taxes and assures that workers' compensation is provided to the worker; and

- 5) Negotiates with clients for such matters as time, place, type of work, working conditions, quality and price of service. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

Prior to entering into the lease relationship, do the client and employee leasing company negotiate as to such matters as the number of shifts per work day, mandatory overtime, number of breaks and length of lunches?

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- c) Notwithstanding any of the aforementioned functions, nothing herein shall limit the right of the employee leasing company from conferring with its client concerning any of the aforementioned functions.

- d) If the employee leasing company does not perform all of the functions in subsection (b), then the client is the employer of the worker.

- e) Notwithstanding any other provision of this Section, the client shall always be the employer of the officers of a corporation as the term is used in its Articles of Incorporation or By-laws to the extent that the individual is providing services in the capacity of an officer. However, nothing in this subsection is intended to preclude an officer from separately performing and being compensated for services performed as an employee of the leasing company.

Example: Mr. Smith is the vice-president for operations of Company A which leases its workers to Leasing Company X. To the extent that Mr. Smith performs the functions of a vice-president of Company A, his wages for such services must be reported by Company A. However, Mr. Smith may provide services to Leasing Company X other than those as an officer of Company A. To the extent that these services are provided to the Leasing Company, any wages for these services are to be reported by the Leasing Company.

Source: Added at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

- 2) Code Citation: 35 Ill. Adm. Code 720

- 3) Section Numbers: Proposed Action:
720.110, 720.111 Amended

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 720 includes the definition set and the incorporations by reference for Parts 721 - 728. Part 720 is derived from 40 CFR 260. These have been amended in connection with the "BIF" ("Boiler and Industrial Furnace") rules in the February 21, 1991, Federal Register. The USEPA rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in the Proposal.

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720.110

New definitions include: "carbon regeneration unit", "infrared incinerator", "plasma arc incinerator" and "sludge dryer". The existing definitions of "incinerator" and "industrial furnace" are amended.

720.111

Three NTIS documents have been incorporated by reference in connection with the BIF rules. Also, 40 CFR 51.100(ii) is referenced for the definition of "good engineering practice stack height", which is used in Section 726.200(g).

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference?

Yes. Section 720.111 incorporates rules and regulations of agencies of the United States, and rules, regulations, standards or guidelines of nationally recognized organizations and associations, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this

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publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: December 30, 1991.

B) Types of small businesses affected:

The existing rules and proposed amendments affect persons who generate, transport, treat, store or dispose of hazardous waste, especially persons burning hazardous waste in a boiler or industrial furnace ("BIF"). This Part includes new definitions of "carbon regeneration unit", "infrared incinerator", "plasma arc incinerator" and "sludge dryer". The existing definitions of "incinerator" and "industrial furnace" are amended. These are important to the scope of Part 724, 725 and 726.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope and Applicability
720.101	Availability of Information; Confidentiality of Information
720.102	Use of Number and Gender
720.103	

SUBPART B: DEFINITIONS

Section	Definitions
720.110	References
720.111	

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	Rulemaking
720.120	Alternative Equivalent Testing Methods
720.121	Waste Delisting
720.122	Procedures for Solid Waste Determinations
720.130	Solid Waste Determinations
720.131	Boiler Determinations
720.132	Procedures for Determinations
720.133	Additional regulation of certain hazardous waste
720.140	Recycling Activities on a case-by-case Basis
720.141	Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in

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R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 725726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

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"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion

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units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of

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hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility".

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1989);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1989); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

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"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA" or "USEPA" means United States Environmental Protection Agency.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by EPA to each

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hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or

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"existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction and either

A continuous on-site, physical construction program had begun or the owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time. "Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that

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hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in of 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in

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the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device ~~using controlled flame combustion which is neither a "boiler" nor an "industrial furnace".~~ that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725. Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices thermal treatment to accomplish recovery of

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materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated.

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

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The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the

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principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

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"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722. Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

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"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock

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company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled

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with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

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"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to

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a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that

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has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"USEPA" means United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

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"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Wall injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at Ill. Reg. , effective)

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

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"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

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ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA

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30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document Number PB91-120-006)

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488)

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", August, 1988 (Document number PB89-159396).

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel

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Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from USEPA, Number F-90-WPWF-FFFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, (202) 475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (~~1990~~1991)

40 CFR 51.100(ii) (~~1991~~)

40 CFR 60 (~~1990~~1991)

40 CFR 61, Subpart V (~~1990~~1991)

40 CFR 136 (~~1990~~1991)

40 CFR 142 (~~1990~~1991)

40 CFR 220 (~~1990~~1991)

40 CFR 260.20 (~~1990~~1991)

40 CFR 264 (~~1990~~1991)

40 CFR 302.4, 302.5 and 302.6 (~~1990~~1991)

40 CFR 761 (~~1990~~1991)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through

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December 31, 1987.

- d) This Section incorporates no later editions or amendments.

(Source: Amended at Ill. Reg. , effective)

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- 1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

- 2) Code Citation: 35 Ill. Adm. Code 721

- 3) Section Numbers: Proposed Action:

721.102, 721.103, 721.104 Amended
721.106, 721.120, 721.131 Amended
721.132 Amended

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 721 is the definition of "solid waste" and "hazardous waste", which defines the scope of the RCRA rules. It is derived from 40 CFR 261, which was amended several times during this update period. The USEPA amendments include the "third third" corrections in the January 31, 1991, Federal Register, and the "BIF" rules in the February 21, 1991,

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Federal Register. The BIF rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in the Proposal.

721.102

This adds a new subsection (d)(2), which includes in the definition of "inherently waste-like materials", secondary materials, which are listed or characteristic hazardous waste, and which are fed to a "halogen acid furnace", which is defined above. The BIF corrections add a new exclusion for certain brominated wastes which are the subject of an internal recycle to a halogen acid furnace.

721.103

Characteristic hazardous wastes generally are removed from the regulatory definition if the hazardous characteristic is removed. However, under the amendment, such wastes may still be subject to the land disposal restrictions in Part 728.

721.104(a)(10)

This excludes from the definition of "hazardous waste", coke and coal tar from the iron and steel industry, which is produced from "decanter tank car sludge", K087.

721.104(b)

Subsections (b)(4), (7) and (8) to add cross references to new Section 726.212 for the following types of excluded wastes: fly ash, mining wastes and cement kiln dust. Facilities operating under these exclusions are potentially subject to Part 726.

721.104(b)(7)

Amendments to mining waste exclusion.

721.104(b)(11)

Temporary provision regarding applicability of the TCLP test to groundwater which is reinjected pursuant to petroleum recovery corrective action.

721.104(b)(12)

Excludes used chlorofluorocarbon (CFC) refrigerants from the definition of "hazardous waste" provided they are reclaimed.

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721.106(a)(3)(G)

Removes coke and coal tar from the materials which are excluded from the definition of "hazardous waste", based on recycling. This has been replaced with the more limited exclusion in Section 721.104(a)(10).

721.120

Adds a citation to Part 726.

721.131

F037 and F038, petroleum refinery oil/water/solids separation sludges. The amendments add to the lists of what is excluded from the listings. The new exclusion is solids separated from certain non-contact cooling waters.

721.132

F039, leachate from mixed hazardous waste. Refinement of the definition of this listing.

K069: Administrative stay of the listing of emission control dust and sludge from secondary lead smelting.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? Yes, in R91-12 and R91-26:

Section Numbers	Proposed Action	Illinois Register Citation
721.131	Amended	November 8, 1991; 15 Ill. Reg. 15910
App. I	Amended	June 28, 1991; 15 Ill. Reg. 9288

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental

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Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect persons who generate, transport, treat, store or dispose of hazardous waste, especially persons who burn hazardous waste in a boiler or industrial furnace ("BIF"). Industry specific amendments include: Chemical production facilities producing acid in halogen acid furnaces [721.102(d)]; Iron and steel facilities burning coke and coal tar [721.104(a)(10), 721.106(a)(3)(G)]; Mining and processing of ores and minerals [721.104(b)(7)]; Cement kilns [721.104(b)(8)]; Petroleum pipelines and refineries [721.104(b)(11), 721.131]; Recyclers of refrigeration equipment [721.104(b)(12)]; Secondary lead smelters [721.132].

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. Section 721.104(b)(11) includes specific notification requirements for free product recovery operations at petroleum pipelines and spill sites claiming exemption

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from regulation.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	
721.101	Purpose and Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section	
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic
Section	
721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.135	Wood Preserving Wastes

Appendix A	Representative Sampling Methods
Appendix B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
Appendix C	Chemical Analysis Test Methods

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Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
Appendix G	Basis for Listing Hazardous Wastes
Appendix H	Hazardous Constituents
Appendix I	Wastes Excluded under Section 720.120 and 720.122
Table A	Wastes Excluded from Non-Specific Sources
Table B	Wastes Excluded from Specific Sources
Table C	Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
Appendix J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans
Appendix Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473,

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effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 721.102 Definition of Solid Waste

a) Solid waste.

- 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.

- 2) A discarded material is any material which is:

- A) Abandoned, as explained in subsection (b); or
- B) Recycled, as explained in subsection (c); or
- C) Considered inherently waste-like, as explained in subsection (d).

- b) Materials are solid waste if they are abandoned by being:

- 1) Disposed of; or
- 2) Burned or incinerated; or
- 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

- c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (c)(4) if they are:

- 1) Used in a manner constituting disposal.

- A) Materials noted with a "yes" in column 1 of table in Appendix Z are solid wastes when they are:

- i) Applied to or placed on the land in a manner that constitutes disposal; or
- ii) Used to produce products that are

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applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

- 2) Burned for energy recovery.

- B) Materials noted with a "yes" in column 2 of table in Appendix Z are solid wastes when they are:

- i) burned to recover energy;
- ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
- iii) Contained in fuels (in which case the fuel itself remains a solid waste).

- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.

- 3) Reclaimed. Materials noted with a "yes" in column 3 of table in Appendix Z are solid wastes when reclaimed.

- 4) Accumulated speculatively. Materials noted with "yes" in column 4 of table in Appendix Z are solid wastes when accumulated speculatively.

- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026 and F028.

- 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in

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Subparts C or D, except for brominated material which meets the following criteria:

- A) The material must contain a bromine concentration of at least 45%; and
- B) The material must contain less than a total of 1% of toxic organic compounds listed in Appendix H; and
- C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

23) The following criteria are used to add wastes to the list:

a) Disposal method or toxicity.

- i) The materials are ordinarily disposed of, burned or incinerated; or
 - ii) The materials contain toxic constituents listed in Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
- B) The material may pose a substantial hazard to human health and the environment when recycled.

e) Materials that are not solid waste when recycled.

- 1) Materials are not solid wastes when they can be shown to be recycled by being:
 - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - B) Used or reused as effective substitutes for commercial products; or
 - C) Returned to the original process from which

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they are generated, without first being reclaimed. The materials must be returned as a substitute for raw materials feedstock, and the process must use raw materials as principal feedstocks.

2) The following materials are solid wastes, even if the recycling involves use, reuse or return to the original process (described in subsections (e) (1) (A) - (C):

- A) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
- B) Materials burned for energy recovery, used to produce a fuel or contained in fuels; or
- C) Materials accumulated speculatively; or
- D) Materials listed in subsection (d) (1).

f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of the Resource Conservation and Recovery Act or Section 21 of the Environmental Protection Act who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 16 Ill. Reg. , effective)

Section 721.103 Definition of Hazardous Waste

- a) A solid waste, as defined in Section 721.102, is a hazardous waste if:

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- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
- 2) It meets any of the following criteria;
 - A) It exhibits any of the characteristics of hazardous waste identified in Subpart C. Except that any mixture of a waste from the extraction, beneficiation or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Subpart C is a hazardous waste only: if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or, if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the EP toxicity (extraction procedure toxicity), the mixture characteristic to such mixtures, the mixture is also a hazardous waste: if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred; or, if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
 - B) It is listed in Subpart D and has not been excluded from the lists in Subpart D under 35 Ill. Adm. Code 720.120 and 720.122.
 - C) It is a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C, or hazardous waste identified in Subpart C, or unless the solid waste: is excluded from regulation under Section 721.104(b)(7); and, the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C for which the hazardous waste listed in Subpart D was listed.

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- D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this paragraph under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in Subpart D are not hazardous wastes (except by application of subsection (a)(2)(A) or (B)) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which have eliminated the discharge of wastewater) and;
 - i) One or more of the following spent solvents listed in Section 721.131 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 1 part per million; or
 - ii) One or more of the following spent solvents listed in Section 721.131 - methylene chloride, 1,1,1 - trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chloro fluorocarbon solvents - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 25 parts per million; or
 - iii) One of the following wastes listed in

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Section 721.132 - heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

- iv) A discharged commercial chemical product, or chemical intermediate listed in Section 721.133, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

- b) A solid waste which is not excluded from regulation

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under subsection (a)(1) becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in Subpart D, when the waste first meets the listing description set forth in Subpart D.
- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D is first added to the solid waste.
- 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C.

c) Unless and until it meets the criteria of subsection (d):

- 1) A hazardous waste will remain a hazardous waste.
- 2) Specific inclusions and exclusions

A) Except as otherwise provided in subsection (C)(2)(B), any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

B) The following solid wastes are not hazardous even though they are generated from the treatment, storage or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste;

- i) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332) (Standard Industrial Codes, as defined and incorporated by reference in 35 Ill.

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Adm. Code 720.110 and 720.111).

- ii) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(E), (F), (G) or (H) ~~or~~ ~~(H)~~.

- d) Any solid waste described in subsection (c) is not a hazardous waste if it meets the following criteria:

- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C. (However, wastes which exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

- 2) In the case of a waste which is a listed waste under Subpart D, contains a waste listed under Subpart D or is derived from a waste listed in Subpart D, it also has been excluded from subsection (c) under 35 Ill. Adm. Code 720.120 and 720.122.

(Source: Amended at 16 Ill. Reg. , effective)

Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code

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309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- 3) Irrigation return flows.
- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce

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a fuel, or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

- A) Spent wood preserving solutions that have been used and are reclaimed and reused for their original intended purpose; and
- B) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

10) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, USEPA hazardous waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven is likewise excluded from regulation.

b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:

- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

A) Receives and burns only:

- i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
- ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

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- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops.
- B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

6) Chromium wastes:

- A) Wastes which fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

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- ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearlign.
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearlign.
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearlign.
 - v) Wastewater treatment sludges generated by the following subcategories of the

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- leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearlign.
- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
 - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
 - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal, ~~including~~ phosphate rock and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals will include only the following wastes:
- A) Slag from primary copper processing;

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- B) Slag from primary lead processing;
- C) Red and brown muds from bauxite refining;
- D) Phosphogypsum from phosphoric acid production;
- E) Slag from elemental phosphorus production;
- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;
- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;
- O) Process wastewater from primary magnesium processing by the anhydrous process;
- P) Process wastewater from phosphoric acid production;
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- S) Chloride processing waste solids from titanium tetrachloride production; and,

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- T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 266.212 for facilities that burn or process hazardous waste.
- 9) Solid waste which consists of discarded wood or wood products which fails the test for the toxicity characteristic solely for arsenic and which is not a hazardous waste for any other reason or reasons if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) Injected groundwater that that is hazardous only because it exhibits the toxicity characteristic (USEPA hazardous waste codes D018 through D024 only) in Section 721.124 that is reinjected or re-infiltrated through an underground injection well pursuant to existing free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals or petroleum bulk plants handling crude petroleum or intermediate products of petroleum refining until March 25, 1991, petroleum pipelines and petroleum spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such at petroleum refineries, marketing terminals and bulk plants, until October 2, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:
 - A) Operations are performed pursuant to a written State agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and

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- B) A copy of the written agreement has been submitted to:

Characteristics Section (OS-333)
USEPA
401 M Street, SW
Washington, D.C. 20460

- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, which use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

- d) Samples

- 1) Except as provided in subsection (d) (2), a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing; or
 B) The sample is being transported back to the sample collector after testing; or

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- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
 D) The sample is being stored in a laboratory before testing; or
 E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

- 2) In order to qualify for the exemption in subsection (d) (1) (A) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:
 A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
 B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:

- i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 ii) Package the sample so that it does not leak, spill or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the

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conditions stated in subsection (d)(1).

e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2), persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and
- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does

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not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (i) or (ii) are met.

- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
- ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.

- D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) or has an appropriate RCRA permit or interim status.

- E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:

- i) Copies of the shipping documents;
- ii) A copy of the contract with the facility conducting the treatability study;
- iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.

- F) The generator reports the information

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required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A), for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F). The generator or sample collector must apply to the Agency and provide in writing the following information:

- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
- B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
- D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding

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the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,

- E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed

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1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:

- A) Treatability study residues; and,
 - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
- A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were

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returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
 - A) The name, address and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted;
 - G) The final disposition of residues and unused sample from each treatability study;
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption.

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- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 16 Ill. Reg. , effective)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials:

- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters and storage facilities of subsections (b) and (c), except for the materials listed in subsections (a)(2) and (a)(3). Hazardous wastes that are recycled will be known as "recyclable materials".
- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through GH and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
 - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart BH.);
 - C) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O. (35 Ill. Adm. Code 726.Subpart E);
 - D) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
 - E) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject

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to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
 - i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment to the transporter transporting the shipment for export;
 - ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.
- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
- C) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;
- D) Scrap metal;

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- E) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;
- F) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;
- G) ~~Coke and coal tar from the iron and steel industry that contains US EPA hazardous waste number K087 (decanter tank tar sludge from coking operations) (Section 721.132) from the iron and steel production process;~~

H)——Petroleum refining wastes.

- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
- ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and
- iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices,

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- which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and
- #H) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in Subpart C.
- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a).
- c) Storage and recycling:

- 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 724. Subparts A through L, AA and BB and 725. Subparts A through L, AA and BB, 726, 728, 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a). (The recycling process itself is exempt from regulation, except as provided in subsection (d).)
- 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a).
- A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.
- B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)
- C) Subsection (d).
- d) Owners or operators of facilities required to have a

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RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which recycle hazardous wastes are subject to 35 Ill. Adm. Code 724. Subpart AA and BB and 725. Subpart AA and BB.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

- a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart.

BOARD NOTE: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart.

- b) A hazardous waste which is identified by a characteristic in this Subpart is assigned every USEPA Hazardous Waste Number which is applicable as set forth in this Subpart. This number must be used in complying with the notification requirements of Section 3010 of the Resource Conservation and Recovery Act and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, 722 through 725726 and 728.

- c) For purposes of this Subpart, a sample obtained using any of the applicable sampling methods specified in Appendix A is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

(Source: Amended at 16 Ill. Reg. , effective)

Section 721.131 Hazardous Wastes From Nonspecific Sources

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- a) The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Haz- ard Code
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F001	The following spent halogenated solvents used in degreasing: tetra-chloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloro-ethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
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F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichloro-fluoromethane and 1,1,2-trichloro-ethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
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F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all	(I)
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spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F004 The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

F005 The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I, T)

F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)

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F019 See Below

F007 Spent cyanide plating bath solutions from electroplating operations. (R, T)

F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R, T)

F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R, T)

F010 Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R, T)

F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R, T)

F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process. (T)

F019 Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)

F020 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (H)
(This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)

F021 Wastes (except wastewater and spent carbon from hydrogen chloride

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purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol; or of intermediates used to produce its derivatives.

F022

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions. (H)

F023

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol. (H)

F024

Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.) (T)

F025

Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain (T)

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chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions. (H)

F027

Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component). (H)

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027. (T)

F032

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use (T)

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creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. The listing for plants that have previously used chlorophenolic formulations is administratively stayed whenever these wastes are covered by the F034 or F035 listings. These stays will remain in effect until further administrative action is taken. Furthermore, the F032 listing is administratively stayed with respect to the process area receiving drippage of these wastes provided persons desiring to continue operating notify USEPA by August 6, 1991, of their intent to upgrade or install drip pads, and by November 6, 1991, provide evidence to USEPA that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.

F034

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that,

(T)

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by November 6, 1991, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.

F035

Wastewaters, process residuals, preservative drippage and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

(T)

BOARD NOTE: The listing of wastewaters that have not come into contact with process contaminants is stayed administratively. These stays will remain in effect until further administrative action is taken. Furthermore, the F034 and F035 listings are administratively stayed with respect to the process area receiving drippage of these wastes provided that, by November 6, 1991, persons desiring to continue operating notify the Agency of their intent to upgrade or install drip pads, and provide evidence to the Agency that they have adequate financing to pay for drip pad upgrades or installation, as provided in the administrative stay. The stay of listings will remain in effect until February 6, 1992, for existing drip pads, and until May 6, 1992, for new drip pads.

F037

Petroleum refinery primary oil/water/solids separation sludge -- Any sludge generated from the gravitational

(T)

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separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in subsection (b) (2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge -- Any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b) (2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological

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treatment units), F037, K048 and K051 wastes are not included in this listing.

F039

Leachate (liquids which have percolated through land disposed wastes) resulting from the treatment, storage or disposal of more than one restricted waste classified by more than one waste code classified as hazardous under Subpart D, or from a mixture of wastes classified under Subparts C and D. (Leachate resulting from the management/disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste code(s) number(s): F020, F021, F022, F023, F026, F027 or F028.)

BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

b) Listing specific definitions.

- 1) For the purpose of the F037 and F038 listings, oil/water/solids is defined as oil or water or solids.
- 2) For the purposes of the F037 and F038 listings:
 - A) Aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or, high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and:
 - i) The units employ a minimum of 6 horsepower per million gallons of treatment volume; and either

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- ii) The hydraulic retention time of the unit is no longer than 5 days; or
- iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving as that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:

- i) The unit is an aggressive biological treatment unit as defined in this subsection; and
- ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of:

A) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

B) The F038 listing:

- i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
- ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 16 Ill. Reg. , effective)

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Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Wood Preservation:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
	Inorganic Pigments:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)

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K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)

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K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)

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- ii) The hydraulic retention time of the unit is no longer than 5 days; or
- iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage or disposal (TSD) facilities have the burden of proving as that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities shall maintain, in their operating or other on site records, documents and data sufficient to prove that:

- i) The unit is an aggressive biological treatment unit as defined in this subsection; and
- ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of generation. For the purposes of:

- A) The F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
- B) The F038 listing:
 - i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and
 - ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

(Source: Amended at 16 Ill. Reg. , effective)

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Section 721.132 Hazardous Waste from Specific Sources
The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Wood Preservation:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
	Inorganic Pigments:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)

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K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)

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K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)

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K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

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K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of di-sulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)

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K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenedisithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenedisithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenedisithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenedisithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)

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K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
K044	Explosives: Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
K048	Petroleum Refining: Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
K061	Iron and Steel: Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)

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Primary Copper:

K064 Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production. (T)

Primary Lead:

K065 Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities. (T)

Primary Zinc:

K066 Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production. (T)

BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the federal program," within the meaning of Section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in Section 3009, 42 U.S.C. 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by Ill. Rev. Stat. 1989 ch. 111 1/2, pars. 1007.2 and 1022.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.

Primary Aluminum:

K088 Spent potliners from primary aluminum reduction. (T)

Ferroalloys:

K090 Emission control dust or sludge from ferrochromium/silicon production. (T)

K091 Emission control dust or sludge from ferrochromium production. (T)

Secondary Lead:

K069 Emission control dust/sludge from secondary lead smelting. (T)

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BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

K100 Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)

Veterinary Pharmaceuticals:

K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds. (T)

K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. (T)

Coking:

K060 Ammonia still lime sludge from coking operations. (T)

K087 Decanter tank tar sludge from coking operations. (T)

(Source: Amended at 16 Ill. Reg. , effective)

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- 1) **Heading of the Part:** INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

- 2) **Code Citation:** 35 Ill. Adm. Code 725

- 3) **Section Numbers:** Proposed Action:

725.113, 725.173, 725.212 Amended
725.213, 725.440, 725.470 Amended
725.935, 725.952 Amended

- 4) **Statutory Authority:** Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

- 5) **A Complete Description of the Subjects and Issues Involved:**

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 725 sets final standards for owners and operators of hazardous waste management facilities with RCRA permits. It is derived from 40 CFR 265, which was amended mainly in connection with the "BIF" rules in the February 21, 1991, Federal Register. The BIF rules were also corrected in the

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- July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in the Proposal.

- 725.113 In Section 725.113(b)(6), a reference to "725.293" has been changed to "725.300".

- 725.173 In Section 725.273(b)(3), a reference to "725.293" has been changed to "725.300".

- 725.212(a) Requires newly regulated BIFs to have a closure plan within six months after the effective date of the BIF rules.

- 725.212(d) This adds notification of closure requirements for BIFs.

- 725.213(a) USEPA has withdrawn extensive changes, which are not included in the Proposal.

- 725.470 The interim status incinerator rules now depend on the definition, in Part 720, of "incinerator" for their applicability, and BIFs are regulated under Part 726.

- 725.470 Applicability of the Subpart governing "other thermal treatment" revised to reflect new BIF rules.

- 725.935, 725.952 Correction to process vent rules.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units

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of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect persons who treat, store or dispose of hazardous waste, especially persons who burn hazardous waste in a boiler or industrial furnace ("BIF").

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. Persons subject to this Part must comply with the interim status notification requirements in Part 703. Such persons must prepare a closure plan under Section 725.212, and will be required to give notice prior to closure of the BIF.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
725.118 Location Standards

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan
725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan
725.154 Amendment of Contingency Plan
725.155 Emergency Coordinator
725.156 Emergency Procedures

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725.358 Closure and Post-Closure Care

SUBPART M: LAND TREATMENT

Section
 725.370 Applicability
 725.372 General Operating Requirements
 725.373 Waste Analysis
 725.376 Food Chain Crops
 725.378 Unsaturated Zone (Zone of Aeration) Monitoring
 725.379 Recordkeeping
 725.380 Closure and Post-closure
 725.381 Special Requirements for Ignitable or Reactive Waste
 725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section
 725.400 Applicability
 725.401 Design Requirements
 725.402 General Operating Requirements
 725.409 Surveying and Recordkeeping
 725.410 Closure and Post-Closure
 725.412 Special Requirements for Ignitable or Reactive Waste
 725.413 Special Requirements for Incompatible Wastes
 725.414 Special Requirements for Liquid Wastes
 725.415 Special Requirements for Containers
 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

SUBPART O: INCINERATORS

Section
 725.440 Applicability
 725.441 Waste Analysis
 725.445 General Operating Requirements
 725.447 Monitoring and Inspection
 725.451 Closure
 725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section
 725.470 Other Thermal Treatment
 725.473 General Operating Requirements
 725.475 Waste Analysis
 725.477 Monitoring and Inspections
 725.481 Closure
 725.482 Open Burning; Waste Explosives
 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

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SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section
 725.500 Applicability
 725.501 General Operating Requirements
 725.502 Waste Analysis and Trial Tests
 725.503 Inspections
 725.504 Closure
 725.505 Special Requirements for Ignitable or Reactive Waste
 725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section
 725.530 Applicability

SUBPART W: DRIP PADS

Section
 725.540 Applicability
 725.541 Assessment of existing drip pad integrity
 725.542 Design and installation of new drip pads
 725.543 Design and operating requirements
 725.544 Inspections
 725.545 Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
 725.930 Applicability
 725.931 Definitions
 725.932 Standards: Process Vents
 725.933 Standards: Closed-vent Systems and Control Devices
 725.934 Test methods and procedures
 725.935 Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
 725.950 Applicability
 725.951 Definitions
 725.952 Standards: Pumps in Light Liquid Service
 725.953 Standards: Compressors
 725.954 Standards: Pressure Relief Devices in Gas/Vapor Service
 725.955 Standards: Sampling Connecting Systems
 725.956 Standards: Open-ended Valves or Lines
 725.957 Standards: Valves in Gas/Vapor or Light Liquid Service
 725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors
 725.959 Standards: Delay of Repair
 725.960 Standards: Closed-vent Systems and Control Devices
 725.961 Percent Leakage Alternative for Valves
 725.962 Skip Period Alternative for Valves

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725.963 Test Methods and Procedures
725.964 Recordkeeping Requirements

Appendix A Recordkeeping Instructions
Appendix B EPA Report Form and Instructions (Repealed)
Appendix C EPA Interim Primary Drinking Water Standards
Appendix D Tests for Significance
Appendix E Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. , effective ,

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to

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treat, store or dispose of the waste in accordance with the requirements of this Part and 35 Ill. Adm. Code 728.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1), except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
- B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest

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or shipping paper.

- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
 - 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a)).
 - 2) The test methods which will be used to test for these parameters.
 - 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A or
 - B) An equivalent sampling method.
- BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.
- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.
 - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
 - 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 725.293, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d) and 725.963(d), and 35 Ill. Adm. Code 728.107. And,
 - 7) For surface impoundments exempted from land

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disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:

- A) The sampling of impoundment contents;
- B) The analysis of test data; and,
- C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
 - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
 - 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
 - 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 16 Ill. Reg. , effective)

Section 725.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.

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- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.
- 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage or disposal at the facility as required by Appendix A;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;
- BOARD NOTE: See Sections 725.219, 725.379 and 725.409 for related requirements.
- 3) Records and results of waste analysis and trial tests performed as specified in Sections 725.113, 725.293, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934 and 725.963 and 35 Ill. Adm. Code 728.104(a) and 728.107;
 - 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);
 - 5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);
 - 6) Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.291, 725.293, 725.295, 725.376, 725.378, 725.380(d)(1), 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i) and 725.964;
- BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.
- 7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure

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- cost estimates under Section 725.244;
- 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
 - 9) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
 - 10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
 - 11) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and
 - 12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.108, whichever is applicable.
 - 13) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and,
 - 14) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration

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if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 16 Ill. Reg. , effective)

Section 725.212 Closure Plan; Amendment of Plan

- a) Written Plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee or representative of the Agency.
- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
 - 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
 - 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and
 - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
 - 4) A detailed description of the steps needed to

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remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and

- 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
 - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); and
 - 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Sections 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans.
- c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.
- 1) The owner or operator shall amend the closure

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plan, whenever:

- A) Changes in the operating plans or facility design affect the closure plan, or
- B) Whenever there is a change in the expected year of closure, if applicable, or
- C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan.

2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.

3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan shall be approved according to the procedures in subsection (d)(4).

4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1). An owner or operator with an approved

closure plan shall submit the modified plan within 60 days of the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 702.280, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4).

d) Notification of partial closure and final closure.

1) When notice is required.

A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility ~~with~~ if it involves such a unit, whichever is earlier.

B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.

D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill or land treatment unit, or final closure of a facility involving such a unit.

E) Owners or operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial

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furnace.

E) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage or incinerator units.

2) The date when the owner or operator "expects to begin closure" must be either:

A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or

B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final-known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including

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compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:

A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.

4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.)

The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481 and 725.504. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

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- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 16 Ill. Reg. , effective)

Section 725.213 Closure; Time Allowed for Closure

- a) Within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), at a hazardous waste management unit or facility, or 90 days after approval of the closure plan, whichever is later, the owner or operator shall treat, remove from the unit or facility or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The Agency shall approve a longer period if the owner or operator demonstrates that:

1) Either:

- A) The activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete; or

B) All of the following:

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e);
- ii) There is a reasonable likelihood that the owner or operator, or another person will recommence operation of the hazardous waste management unit or facility within one year; and
- iii) Closure of the hazardous waste management unit or facility would be

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incompatible with continued operation of the site; and

- 2) The owner or operator have taken and will continue to take all steps to prevent threats to human health and the environment including compliance with all applicable interim status requirements.

- b) The owner or operator shall complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), at the hazardous waste management unit or facility, or 180 days after approval of the closure plan, if that is later. The Agency shall approve an extension to the closure period if the owner or operator demonstrates that:

1) Either:

- A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or

B) All of the following:

- i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e); and
- ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and
- iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and
- 2) The owner and operator have taken and will continue to take all steps to prevent threats to

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human health and the environment from the unclosed but not operating hazardous waste management unit or facility, including compliance with all applicable interim status requirements.

c) The demonstration referred to in subsections (a)(1) and (b)(1) must be made as follows:

- 1) The demonstration in subsection (a)(1) must be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and
- 2) The demonstrations in subsection (b)(1) must be made at least 30 days prior to the expiration of the 180-day period in subsection (b), unless the owner or operator is otherwise subject to deadlines in subsection (d).

d) Continued receipt of non-hazardous waste. The Agency shall permit an owner or operator to receive non-hazardous wastes in a landfill, land treatment unit or surface impoundment unit after the final receipt of hazardous wastes at that unit if:

- 1) The owner or operator submits an amended Part B application, or a new Part B application if none was previously submitted, and demonstrates that:
 - A) The unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and
 - B) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous waste in the unit within one year after the final receipt of hazardous wastes; and
 - C) The non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this Part; and
 - D) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and
 - E) The owner or operator is operating and will

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continue to operate in compliance with all applicable interim status requirements; and

- 2) The Part B application includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required under 35 Ill. Adm. Code 703.186 and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable under Section 725.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and

3) The Part B application is amended, as necessary and appropriate, to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and

4) The Part B application and the demonstrations referred to in subsections (d)(1) and (2) are submitted to the Agency no later than 180 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes, or no later than 90 days after the effective date of this Section, whichever is later.

e) Surface impoundments. In addition to the requirements in subsection (d), an owner or operator of a hazardous waste surface impoundment which is not in compliance with the liner and leachate collection system requirements in Section 725.321(a) shall receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection.

1) The petition for adjusted standard must include:

- A) A plan for removing hazardous wastes; and
- B) A contingent corrective measures plan.

2) The removal plan must provide for:

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- A) Removing all hazardous liquids; and
- B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and
- C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates:
 - i) That the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete; and
 - ii) That an extension will not pose a threat to human health and the environment.
- 3) The contingent corrective measures plan:
 - A) Must meet the requirements of a corrective action plan under Section 724.199, based upon the assumption that a release has been detected from the unit.
 - B) May be a portion of a corrective action plan previously submitted under Section 724.199.
 - C) May provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.
 - D) Must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.
- 4) Release. A release is a statistically significant increase (or decrease in the case of pH) in hazardous constituents over background levels, detected in accordance with the requirements in Subpart F.
- 5) In the event of a release, the owner or operator of the unit:
 - A) Within 35 days, file with the Board a

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- petition for adjusted standard. If the Board finds that it is necessary to do so in order to protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to:
- i) Begin to implement the corrective measures plan in less than one year; or,
 - ii) Cease the receipt of wastes until the plan has been implemented.
 - iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7).
- B) Shall implement the contingent corrective measures plan.
 - C) May continue to receive wastes at the unit if authorized by the approved contingent measures plan.
- 6) Semi-annual report. During the period of corrective action, the owner or operator shall provide semi-annual reports to the Agency which:
 - A) Describe the progress of the corrective action program;
 - B) Compile all groundwater monitoring data; and
 - C) Evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.
- 7) Required closure. The owner or operator shall commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.
 - A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent

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corrective measures plan; or

- B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard; or
- C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.
- D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.
- 8) Adjusted standard procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection.
- A) Except as otherwise provided, the owner or operator shall follow the procedures of 35 Ill. Adm. Code 106.Subpart G to petition the Board for an adjusted standard.
- B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1) if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (3).
- C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1):
- i) A plan for removing hazardous wastes.
 - ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan.
 - iii) A contingent corrective measures plan.

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- iv) A requirement that, in the event of a release, the owner or operator shall: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.
- v) A condition that the adjusted standard will terminate if the owner or operator fails to: implement the removal plan; or, timely file a required petition for adjusted standard.
- vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator shall commence closure of the unit in accordance with the requirements of the closure plan and this Part.
- D) Justification in the event of a release. The Board will modify or terminate the adjusted standard pursuant to a petition filed under subsection (e)(5)(A) as provided in that subsection or in subsection (e)(7).
- 9) The owner or operator may file a revised closure plan within 15 days after an adjusted standard is terminated.
- (Source: Amended at 16 Ill. Reg. , effective)
- Section 725.440 Applicability
- SUBPART O: INCINERATORS
- a) The regulations in this Subpart apply to owners or operators of facilities that incinerate hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise. The following facility owners and operators are considered to incinerate hazardous waste:
- i) ~~Owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110); and~~

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- 2) ~~Owners or operators who burn hazardous wastes in boilers or in industrial furnaces in order to destroy them, or who burn hazardous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this Subpart.~~

b) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of this Subpart, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (4), (5), (6), (7) or (8) and such documentation is retained at the facility, if the waste to be burned is:

- 1) Listed as a hazardous waste in 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (4), (5), (6), (7) or (8) and such documentation is retained at the facility, if the waste to be burned is:
- 2) Listed as a hazardous waste in 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (4), (5), (6), (7) or (8) and such documentation is retained at the facility, if the waste to be burned is:

3) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (4), (5), (6), (7) or (8) and such documentation is retained at the facility, if the waste to be burned is:

4) A hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (4), (5), (6), (7) or (8) and such documentation is retained at the facility, if the waste to be burned is:

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART P: THERMAL TREATMENT

Section 725.470 Other Thermal Treatment

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The regulations in this Subpart apply to owners and operators of facilities that thermally treat hazardous waste in devices other than enclosed devices using controlled flame combustion except, as Section 725.101 provides otherwise. Thermal treatment in enclosed devices using controlled flame combustion is subject to the requirements of Subpart O if the unit is an incinerator, and 35 Ill. Adm. Code 726. Subpart H, if the unit is a boiler or industrial furnace as defined in 35 Ill. Adm. Code 720.110.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.935 Recordkeeping Requirements

a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

- 2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, including:

A) Information and data identifying all affected

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process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

- B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

3)

- Where an owner or operator chooses to use test date to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:

- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

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- B) A detailed engineering description of the closed-vent system and control device including:

- i) Manufacturer's name and model number of control device.
- ii) Type of control device.
- iii) Dimensions of the control device.
- iv) Capacity.
- v) Construction materials.

- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

- 4) Documentation of compliance with Section 725.933 must include the following information:

- A) A list of all information references and sources used in preparing the documentation.

- B) Records, including the dates of each compliance test required by Section 725.933(j).

- C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

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- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 725.933(d).
- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

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- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.
- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.
- D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95

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percent or greater unless the total organic concentration limit of Section 725.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 725.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 725.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 725.933(f) through (k).
- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.

B) For a thermal vapor incinerator designed to

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operate with an organic emission reduction efficiency of 95 percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).

C) For a catalytic vapor incinerator, any period when:

- i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii); or
- ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).

D) For a boiler or process heater, any period when:

- i) Flame zone temperature is more than 28 C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or
- ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 725.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v).

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- G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any period when:
- i) Temperature of the exhaust vent stream from the condenser is more than 6 C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v).
 - ii) Temperature of the coolant fluid exiting the condenser is more than 6 C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi).
- 5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.

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- 7) For carbon adsorption systems operated subject to requirements specified in Section 725.933(h)(1), a log that records:
- A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.
- d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (8) need be kept only 3 years.
- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), the when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.
- (Source: Amended at 16 Ill. Reg. , effective)
- SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS
- Section 725.952 Standards: Pumps in Light Liquid Service
- a) Monitoring
- 1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b), except as provided in subsections (d), (e) and (f).
 - 2) Each pump in light liquid service must be checked

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by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks

- 1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- 2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs

- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
- 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.

d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:

- 1) Each dual mechanical seal system must be:

- A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures; or
- B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or
- C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere.

- 2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

- 3) Each barrier fluid system must be equipped with a

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sensor that will detect failure of the seal system, the barrier fluid system, or both.

- 4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.

5) Alarms

- A) Each sensor as described in subsection (d)(3) must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
- B) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

6) Leaks

- A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B), a leak is detected.

- B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

- C) A first attempt at repair (e.g., relapping the seal) must be made no later than 5 calendar days after each leak is detected.

- e) Any pump that is designated, as described in Section 725.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c) and (d), if the pump meets the following requirements:

- 1) Must have no externally actuated shaft penetrating the pump housing.

- 2) Must operate with no detectable emissions as

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indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 725.963(c).

- 3) Must be tested for compliance with subsection (a)-(2)(e)(2) initially upon designation, annually and at other times as specified by the Agency pursuant to Section 725.950(e).

- f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 725.960, it is exempt from the requirements of subsections (a) through (e).

(Source: Amended at 16 Ill. Reg. , effective)

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- 1) Heading of the Part: LAND DISPOSAL RESTRICTIONS

- 2) Code Citation: 35 Ill. Adm. Code 728

- 3) Section Numbers: Proposed Action:

728.107, 728.109	Amended
728.110, 728.111, 728.112	New Section
728.113	Amended
728.133, 728.135, 728.140	Amended
728.142, 728.144, Appendix D	Amended
Appendix E, Appendix G	Amended
Appendix H	Amended
Appendix I	New Section
Table A, Table B, Table C	Amended
Table D, Table E	Amended

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

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Part 728 contains the RCRA land disposal prohibitions. It is derived from 40 CFR 268, which was amended in connection with the "third third" corrections in the January 31, 1991, Federal Register. The Board has already made some of these corrections in prior Dockets.

728.107

This Section governs waste analysis and recordkeeping. USEPA has made a number of changes to the wording.

728.110 - 728.113

The Board has proposed to add four new Sections incorporating 40 CFR 268.10 - 268.13 by reference. Although these Sections on their face apply only to USEPA, they appear to also serve as a definition of the "thirds". As such, they may be necessary in the Illinois rules.

728.133

This Section is the prohibition Section for the first third wastes. It contains a large number of temporary provisions which no longer have any prospective effect. The Board has proposed to delete them.

728.135

This Section is the prohibition for the third third wastes.

728.140

This is the introduction to the treatment standards. It includes a large number of revised cross references.

728.142

This Section establishes treatment standards by way of requiring certain technologies.

728.142(a)(3)

This new subsection deals with wastewater mixed with de minimis losses of materials from manufacturing operations. The Board has proposed to reference to the State regulations at 35 Ill. Adm. Code 309 and 310, which state the NPDES and pretreatment permit requirements derived from the Clean Water Act.

728.144

This Section governs "treatability

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variances". As adopted by the Board, it utilizes the "adjusted standards" procedures of 35 Ill. Adm. Code 106 and Section 28.1 of the Act for making these determinations. The Board has not proposed to adopt State equivalents to site-specific "treatability variances" which have been adopted by USEPA.

App. D and E

These Appendices specify the types of wastes which may be placed in "lab packs". The corrections involve numerous replacements of specific entries in these lists.

App. G and H

These are listings which show the effective dates of various federal requirements and "variances". The Board has proposed to strike the entire existing Appendices, and to replace them with new text drawn from the USEPA diskettes.

App. I

A new appendix which contains the EP Toxicity test. This test was formerly used in the definition of hazardous waste in Section 721.124. It has been replaced by the TCLP test. However, the EP Toxicity test is still used for some of the land disposal bans. The Board has proposed to rely on incorporation by reference for this detailed test method.

Tables A and B

These Tables are drawn from 40 CFR 268.41, Table CCWE, and from 268.43, Table CCW. The Board has proposed to make numerous corrections derived from the USEPA corrections.

Table C

This Table is drawn from 40 CFR 268.42, Table 1. It defines acronyms for technologies which are specified in Table D.

Table D

This Table is derived from 40 CFR 268.42, Table 2. It contains treatment standards in the form of required technologies. For certain wastes, certain specified treatment is required.

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This differs from the performance-based CCW and CCWE standards.

Table E

This Table specifies required treatment technologies for radioactive mixed waste. Although radioactivity is not a hazardous characteristic under Part 721 [261], wastes which are hazardous for other reasons may exhibit radioactivity. Basically, the only change to this Table is the change from "INCIN" to "IMERC" for D009. However, the Board is proposing to repeal and replace the entire Table with a better text obtained from USEPA in this Docket.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference?

Yes. Section 728.110 - 728.113 and Appendix I incorporate rules and regulations of agencies of the United States, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this

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publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect persons who generate, transport, treat, store or dispose of hazardous waste. Part 728 sets standards under which hazardous waste may be placed in land disposal facilities. Specific standards are included in Sections 728.130 through 728.144, and in Tables A through E. Many of these apply to types of hazardous waste, designated by "D", "F", "K", "U" or "P" numbers. These are defined in Sections 721.120 et seq. Many of these designations, especially the "K" designations [defined in 721.132], are specific to certain industries. Changes are proposed to the standards for most of the "K" designations.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. These include the waste analysis and reporting requirements under Section 728.107, and notification requirements in Section 728.109. Section 728.144 allows "adjusted treatment standards".

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	
728.101	Purpose, Scope and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for case-by-case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.107	Waste Analysis and Recordkeeping
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION
AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third
728.111	Second Third
728.112	Third Third
728.113	Newly Listed Wastes

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Solvent Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes
728.133	Waste Specific Prohibitions -- First Third Wastes
728.134	Waste Specific Prohibitions -- Second Third Wastes
728.135	Waste Specific Prohibitions -- Third Third Wastes
728.139	Statutory Prohibitions

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards expressed as Concentrations in Waste Extract
728.142	Treatment Standards expressed as Specified Technologies
728.143	Treatment Standards expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard

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SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes
Appendix A	Toxicity Characteristic Leaching Procedure (TCLP)
Appendix B	Treatment Standards (As concentrations in the Treatment Residual Extract)
Appendix C	List of Halogenated Organic Compounds
Appendix D	Organometallic Lab Packs
Appendix E	Organic Lab Packs
Appendix F	Technologies to Achieve Deactivation of Characteristics
Appendix G	Federal Effective Dates
Appendix H	National Capacity LDR Variances for UIC Wastes
Appendix I	EP Toxicity Test Method and Structural Integrity Test

Table A	Constituent Concentrations in Waste Extract (CCWE)
Table B	Constituent Concentrations in Wastes (CCW)
Table C	Technology Codes and Description of Technology-Based Standards
Table D	Technology-Based Standards by RCRA Waste Code
Table E	Standards for Radioactive Mixed Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART A: GENERAL

Section 728.107	Waste Analysis and Recordkeeping
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- a) Except as specified in Section 728.132-ex-728.143, if a generator's waste is listed in 35 Ill. Adm. Code 721. Subpart D, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix-A35 Ill. Adm. Code 721. Appendix B, or use knowledge of the waste, to determine if the waste is restricted from land disposal

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under this Part. Except as specified in Section 728.132, if a generator's waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721.Subpart C, the generator shall test an extract using the test method described in Appendix I ("eye"), or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included, or be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), applicable wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.
- C) The manifest number associated with the shipment of waste; and

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- D) Waste analysis data, where available.
- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139.

- A) The notice must include the following information:
 - i) USEPA Hazardous Waste Number;
 - ii) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included or be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.
 - iii) The manifest number associated with the shipment of waste;
 - iv) Waste analysis data, where available.

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- B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.105, Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268.105), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

- A) EPA hazardous waste number:
- B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be included, or be referenced as above, by including on the notification the subcategory of the waste the treatability group(s) of the

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~~waste(s), wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.~~

- C) The manifest number associated with the shipment of waste;
- D) Waste analysis data, where available, and
- E) The date the waste is subject to the prohibitions.

- 4) If a generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks or containers to meet applicable treatment standards under Subpart D, the generator shall develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met:

- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Part, including the selected testing frequency.
- B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).

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- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.

- 6) If a generator determines, subsequent to the point of generation, that the generator is managing a restricted waste which is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 721.102 - 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.

- 7) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 - 721.106, or exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.

- 78) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection

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- (a)(1). The generator shall also comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in 35 Ill. Adm. Code 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator also shall comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification which must be signed by an authorized representative:

- 92) If a generator is managing a lab pack that contains organic wastes specified in Appendix E and wishes to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator also shall comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator also shall comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification which must be signed by an authorized representative:

- 910) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the

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agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or the Agency notifies the generator documents need no be retained.

Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either included, or be be referenced as above, or by including on the notification the subcategory of the waste, the treatability group (e) of the waste, wastewater or nonwastewater (as defined in Section 728.102) category, the applicable subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standards appears. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.

b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3).

1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

4) A notice must be sent with each waste shipment to the land disposal facility which includes the following information:

A) USEPA Hazardous Waste Number;

B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and

C) The manifest number associated with the shipment of waste; and

D) Waste analysis data, where available.

5) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the applicable prohibitions set forth in Section 728.132 or 728.139.

A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining

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this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724.Subpart O) or 35 Ill. Adm. Code

725.Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4). With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5), and a notice which includes the information listed in subsection (b)(4) (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b), and the certification specified in Section 728.108 if applicable.

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- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (3) with respect to such waste.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D. For purposes of ~~part 268~~this Part, the waste will carry ~~the waste code designation for any applicable listing under 35 Ill. Adm. Code 721.Subpart D, and also.~~ In addition, the waste will carry one or more of the waste

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~~codes designations~~ under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits the relevant characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, as specified in subsection (b).

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.

- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.

- d) Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, for each shipment of such wastes to a non-hazardous waste facility, regulated under 35 Ill. Adm. Code 807 or 811 through 815, or exempted under Section 21(d)(1)(i) of the Environmental Protection Act, or similarly regulated in other States, the initial generator or the treatment facility need not send a Section 728.107 notification to such facility. In such circumstances, a notification and certification must be sent to the Agency, or, for out-of-State shipments, to the appropriate USEPA Regional Administrator or State authorized, pursuant to 40 CFR 271, to implement 40 CFR 268 requirements.

- 1) The notification must include the following information:

- A) The name and address of the non-hazardous waste facility receiving the waste shipment;
B) A description of the waste as initially

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generated, including the applicable USEPA Hazardous Waste Number(s) ~~and treatability group(s)~~, the applicable wastewater or nonwastewater (as defined in Section 728.102) category, and the subdivisions made within a waste code based on waste-specific criteria (such as D003, reactive cyanides);

C) The treatment standards applicable to the waste at the initial point of generation.

2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b) (5) (A).

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION
AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.110 First Third

The Board incorporates by reference 40 CFR 268.10 (1991). This Section incorporates no later editions or amendments.

(Source: Added at 16 Ill. Reg. , effective)

Section 728.111 Second Third

The Board incorporates by reference 40 CFR 268.11 (1991). This Section incorporates no later editions or amendments.

(Source: Added at 16 Ill. Reg. , effective)

Section 728.112 Third Third

The Board incorporates by reference 40 CFR 268.12 (1991). This Section incorporates no later editions or amendments.

(Source: Added at 16 Ill. Reg. , effective)

Section 728.113 Newly Listed Wastes

The Board incorporates by reference 40 CFR 268.13 (1991). This Section incorporates no later editions or amendments.

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(Source: Added at 16 Ill. Reg. , effective)

Section 728.133 Waste Specific Prohibitions -- First Third Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers listed below are prohibited from land disposal (except in an injection well). ~~Until August 7, 1990, K061 wastes containing 15% zinc or greater are prohibited from land disposal pursuant to the treatment standards specified in Section 728.141 applicable to K061 wastes that contain less than 15% zinc.~~

F006 (nonwastewater)

K001

K004 wastes specified in Section 728.143(a) and Table B

K008 wastes specified in Section 728.143(a) and Table B

K015

K016

K018

K019

K020

K021 wastes specified in Section 728.143(a) and Table B

K022 (nonwastewater)

K024

K025 nonwastewaters specified in Section 728.143(a) and Table B

K030 (nonwastewater)

K036

K037

K044

K045 (nonexplosive)

K046 (nonwastewater)

K047

K060 (nonwastewater)

K061 (nonwastewaters containing less than 15% zinc)

K062 (non CaSO₄)

K069 (nonwastewater)

K086 (solvent washes),

K087

K099

K100 nonwastewaters specified in Section 728.143(a) and Table B

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- K101 (wastewater)
K101 (nonwastewater, low arsenic subcategory -- less than 1% total arsenic)
K102 (wastewater)
K102 (nonwastewater, low arsenic subcategory -- less than 1% total arsenic)
K103
K104

b) ~~Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste Nos. K048, K049, K050, K051, K052, K061 (containing 15% or more ex-grease), and K071 are prohibited from land disposal.~~

c) ~~Effective August 8, 1990, the wastes specified in Section 728.110 having a treatment standard in Subpart D based on incineration and which are contaminated soil and debris are prohibited from land disposal.~~

d) ~~Until August 8, 1990, wastes included in subsection (b) and (c) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2) incorporated by reference in Section 728.105.~~

e) The requirements of subsection (a), (b), (c) and (d) do not apply if:

- 1) The wastes meet the applicable standards specified in Subpart D; or
- 2) Persons have been granted an adjusted standard pursuant to Section 728.106, with respect to those wastes and units covered by the petition; or
- 3) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

f) ~~Until May 8, 1990, the wastes specified in Section 728.110 for which treatment standards under Subpart D have not been promulgated, including those wastes which are subject to the statutory prohibitions of Section 728.139 or codified prohibitions under Section 728.132, but not including wastes subject to a treatment standard under Section 728.142, are prohibited from disposal in a landfill or surface impoundment unless~~

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~~unless a demonstration and certification have been submitted pursuant to Section 728.109.~~

- g) To determine whether a hazardous waste listed in Section 728.110 exceeds the applicable treatment standards specified in Sections 728.131 and 728.143, the initial generator shall test a representative sample of the waste extract or the entire waste depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable except as otherwise specified.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728.135 Waste Specific Prohibitions--Third Third wastes.

- a) The following wastes are prohibited from land disposal.

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F002 (1,1,2-trichloroethane)
F005 (benzene)
F005 (2-ethoxyethanol)
F005 (2-nitropropane)
F006 (wastewaters),
F019
F025
F039 (wastewaters);

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K002
K003
K004 (wastewaters)
K005 (wastewaters)
K006
K008 (wastewaters)
K011 (wastewaters)
K013 (wastewaters)
K014 (wastewaters)
K015 (nonwastewaters)

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- K017 (wastewaters)
K021 (wastewaters)
K022 (wastewaters)
K025 (wastewaters)
K026 (wastewaters)
K029 (wastewaters)
K031 (wastewaters)
K032
K033
K034
K035
K041
K042
K046 (wastewaters, reactive nonwastewaters)
K048 (wastewaters)
K049 (wastewaters)
K050 (wastewaters)
K051 (wastewaters)
K052 (wastewaters)
K060 (wastewaters)
K061 (wastewaters) and (high zinc subcategory > 15% zinc)
K069 (wastewaters, calcium sulfate nonwastewaters)
K073
K083 (~~wastewaters~~)
K084 (wastewaters)
K085
K095 (wastewaters)
K096 (wastewaters)
K097
K098
K100 (wastewaters)
K101 (wastewaters)
K102 (wastewaters)
K105
K106 (wastewaters)
- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:
- P001
P002
P003
P004
P005
P006
P007
P008

- P009
P010 (wastewaters)
P011 (wastewaters)
P012 (wastewaters)
P014
P015
P016
P017
P018 (~~wastewaters~~)
P020
P022
P023
P024
P024
P027
P028
P031
P033
P034
P036 (wastewaters)
P037
P038 (wastewaters)
P042
P045
P046
P047
P048
P049
P050
P051
P054
P056
P057
P058
P059
P060
P064
P065 (wastewaters)
P066
P067
P068
P069
P070
P072
P073
P075
P076
P077
P078

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P081
P082
P084
P088
P092 (wastewaters)
P093
P095
P096
P101
P102
P103
P105
P108
P109
P110
P112
P113
P114
P115
P116
P118
P119
P120
P122
P123

U022
U023
U024
U025
U026
U027
U029
U030
U031
U032
U033
U034
U035
U036
U037
U038
U039
U041
U042
U043
U044
U045
U046
U047
U048
U049
U050
U051
U052
U053
U055
U056
U057
U059
U060
U061
U062
U063
U064
U066
U067
U068
U070
U071
U072
U073
U074
U075
U076

4) The wastes specified in 35 Ill. Adm. Code
721.133(f) as EPA Hazardous Waste Numbers:

U001
U002
U003
U004
U005
U006
U007
U008
U009
U010
U011
U012
U014
U015
U016
U017
U018
U019
U020
U021

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U077
U078
U079
U080
U081
U082
U083
U084
U085
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U089
U090
U091
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U093
U094
U095
U096
U097
U098
U099
U101
U103
U105
U106
U108
U109
U110
U111
U112
U113
U114
U115
U116
U117
U118
U119
U120 (wastewaters)
U121
U122
U123
U124
U125
U126
U127
U128
U129
U130
U131

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U132
U133
U134
U135
U136 (wastewaters)
U137
U138
U140
U141
U142
U143
U144
U145
U146
U147
U148
U149
U150
U151 (wastewaters)
U152
U153
U154
U155
U156
U157
U158
U159
U160
U161
U162
U163
U164
U165
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- U200
- U201
- U202
- U203
- U204
- U205
- U206
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- U211
- U213
- U214
- U215
- U216
- U217
- U218
- U219
- U220
- U222
- U225
- U226
- U227
- U228
- U234
- U236
- U237
- U238
- U239
- U240
- U243
- U244
- U246
- U247
- U248

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U249

- 4) The following wastes identified as hazardous based on a characteristic alone:
 - D001
 - D002
 - D003
 - D004 (wastewaters)
 - D005
 - D006
 - D007
 - D008 (except for lead materials stored before secondary smelting)
 - D009 (wastewaters)
 - D010
 - D011
 - D012
 - D013
 - D014
 - D015
 - D016
 - D017

- b) The following wastes are prohibited from land disposal. The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

- K048 (nonwastewaters)
- K049 (nonwastewaters)
- K050 (nonwastewaters)
- K051 (nonwastewaters)
- K052 (nonwastewaters)

- c) Effective May 8, 1992, the following wastes are prohibited from land disposal:

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F039 (nonwastewaters)

- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

- K031 (nonwastewaters)
- K084 (nonwastewaters)
- K101 (nonwastewaters)
- K102 (nonwastewaters)

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K106 (nonwastewaters)

- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:

P010 (nonwastewaters)
P011 (nonwastewaters)
P012 (nonwastewaters)
P036 (nonwastewaters)
P038 (nonwastewaters)
P065 (nonwastewaters)
P087 (nonwastewaters)
P092 (nonwastewaters)

- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:

U136 (nonwastewaters)
U151 (nonwastewaters)

- 5) The following wastes identified as hazardous based on a characteristic alone:

D004 (nonwastewaters)
D008 (lead materials stored before secondary smelting)
D009 (nonwastewaters);

- 6) Inorganic solids debris as defined in 35 Ill. Adm. Code 728.102(a)-(7) (which also applies to chromium refractory bricks carrying the EPA Hazardous Waste Numbers K048-K052)

- 7) RCRA hazardous wastes that contain naturally occurring radioactive materials.

- d) Effective May 8, 1992, hazardous wastes listed in 40 CFR 268.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, and soil or debris contaminated with hazardous wastes listed in Sections 728.110, 728.111 or 728.112 that are mixed radioactive/hazardous wastes, are prohibited from land disposal.

- e) Effective May 8, 1992, the wastes specified in this Section having a treatment standard in Subpart D based on incineration, mercury retorting, vitrification, acid leaching followed by chemical precipitation or thermal recovery of metals and which are contaminated soil or

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debris, are prohibited from land disposal.

- h) Between May 8, 1990, and May 8, 1992, wastes included in subsections (c), (d) and (e) shall be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).

- i) The requirements of subsections (a), (b), (c), (d) and (e) do not apply if:

- 1) The wastes meet the applicable standards specified in Subpart D;
- 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
- 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;
- 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

- j) To determine whether a hazardous waste listed in 40 CFR 268.10, 268.11 and 268.12 Section 728.110, 728.111 or 728.112 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

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- a) A restricted waste identified in Section 728.141 may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using the test method ~~Appendix A35 Ill. Adm. Code 721. Appendix B~~ does not exceed the value shown in Table A for any hazardous constituent listed in Table A for that waste, with the following exceptions: D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136. Wastes ~~B004, B008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136~~ These wastes may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using either the test method in 35 Ill. Adm. Code 721. Appendix ~~AB~~ or the test method in ~~35 Ill. Adm. Code 728. Appendix B1~~ ("eye") of this Part does not exceed the ~~value~~ concentrations shown in Table ~~BA~~ for any hazardous constituent listed in Table A for that waste.

- b) A restricted waste for which a treatment technology is specified under Section 728.142(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Agency under the procedures set forth in Section 728.142(b).
- c) Except as otherwise specified in Section 728.143(c), a restricted waste identified in Section 728.143 may be land disposed only if the constituent concentrations in the waste or treatment residue of the waste do not exceed the value shown in Table B for any hazardous constituent listed in Table B for that waste.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728.142 Treatment Standards expressed as Specified Technologies

- a) The following wastes in subsections (a)(1) and (2) and Table D and E must be treated using the technology or technologies specified in subsections (a)(1) and (2) and Table C.

- 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of

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40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.

- 2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O. These treatment standards do not apply where the waste is subject to a Subpart ED treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

- 3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process, and that meet the criteria of the D001 ignitable liquids containing greater than 10% total organic constituents (TOC) subcategory, is subject to the DEACT treatment standard described in Table C. For purposes of this subsection, "de minimis losses" include:

- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials);
- B) Minor leaks from process equipment, storage tanks, or containers;
- C) Leaks from well-maintained pump packings and seals;
- D) Sample purgings; and

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E) Relief device discharges.

- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c) and (d). The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 1022.6 and 1039(h)), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (c) and (d). Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

- c) As an alternative to the otherwise applicable Subpart D treatment standards, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

- 2) All hazardous wastes contained in such lab packs are specified in Appendix D or Appendix E;

- 3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O; and

- 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011 are treated in compliance with the applicable treatment standards specified for such wastes in

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Subpart D.

- d) Radioactive hazardous mixed wastes with treatment standards specified in Table E are not subject to any treatment standards specified in Section 728.141, Section 728.143 or Table D. Radioactive hazardous mixed wastes not subject to treatment standards in Table E remain subject to all applicable treatment standards specified in Section 728.141, Section 728.143 and Table D.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728.144 Adjustment of Treatment Standard

- a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition to the Board for an adjusted treatment standard. As justification, the petitioner shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified level or by the specified methods.

- b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106.Subpart G.

- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- d) After receiving a petition for adjustment of a treatment standard, the Board may request any

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additional information or samples which are necessary to evaluate the petition.

- e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. ~~the final decision on an adjusted treatment standard will be published in the Environmental Register.~~ In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in this Part, a listing of all adjusted standards granted by the Board pursuant to this Section. A LISTING OF ALL ADJUSTED STANDARDS GRANTED PURSUANT TO THIS SECTION WILL BE PUBLISHED IN THE ILLINOIS REGISTER AND ENVIRONMENTAL REGISTER AT THE END OF EACH FISCAL YEAR. (Section 28.1(d)(3) of the Environmental Protection Act.)

- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.

- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

- h) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted standard. The petitioner shall demonstrate that, because the physical or chemical properties of the waste differs significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

- i) Each petition for a site-specific adjusted standard must include the information in ~~40 CFR 260.20(b)(1) through (b)(4)~~, incorporated by reference in 35 Ill. Adm. Code ~~720.111~~ 35 Ill. Adm. Code 720.120(b)(1) - (4).

- j) After receiving a petition for a site-specific adjusted standard, the Board may request any additional information or samples which the Board determines are

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necessary to evaluate the application.

- k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted standard from a treatment standard shall comply with the waste analysis requirements for restricted wastes in Section 728.107.
- l) During the petition review process, the petitioner for a site-specific adjusted standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728. Appendix D Organometallic Lab Packs

Hazardous waste with the following EPA hazardous waste codes numbers may be placed in an "organometallic" or "Appendix D lab pack:"

P001, P002, P003, P004, P005, P006, P007, P008, P009, P013, P014, P015, P016, P017, P018, P020, P021, P022, P023, P024, P025, P026, P027, P028, P029, P030, P031, P033, P034, P036, P037, P038, P039, P040, P041, P042, P043, P044, P045, P046, P047, P048, P049, P050, P051, P054, P056, P057, P058, P059, P060, P062, P063, P064, P065, P066, P067, P068, P069, P070, P071, P072, P073, P074, P075, P077, P081, P082, P084, P085, P087, P088, P089, P092, P093, P094, P095, P096, P097, P098, P099, P101, P102, P103, P104, P105, P106, P108, P109, P110, P111, P112, P113, P114, P115, P116, P118, P119, P120, P121, P122, P123

U001, U002, U003, U004, U005, U006, U007, U008, U009, U010, U011, U012, U014, U015, U016, U017, U018, U019, U020, U021, U022, U023, U024, U025, U026, U027, U028, U029, U030, U031, U032, U033, U034, U035, U036, U037, U038, U039, U041, U042, U043, U044, U045, U046, U047, U048, U049, U050, U051, U052, U053, U055, U056, U057, U058, U059, U060, U061, U062, U063, U064, U066, U067, U068, U069, U070, U071, U072, U073, U074, U075, U076, U077, U078, U079, U080, U081, U082, U083, U084, U085, U086, U087, U088, U089, U090, U091, U092, U093, U094, U095, U096, U097, U098, U099, U101, U102, U103, U105, U106, U107, U108, U109, U110, U111, U112, U113, U114, U115, U116, U117, U118, U119, U120, U121, U122, U123, U124, U125, U126, U127, U128, U129, U130, U131, U132, U133, U134, U135, U136, U137, U138, U139, U140, U141, U142, U143, U144, U145, U146, U147, U148, U149, U150, U152, U154, U155, U156, U157, U158, U159, U160, U161, U162, U163, U164, U165, U166, U167, U168, U169, U170, U171, U172, U173, U174, U175, U177, U178, U179, U180, U181,

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U036	U037	U038	U039	U041	U042	U043	U044	U045	U046	U047
U048	U049	U050	U051	U052	U053	U055	U056	U057	U058	U059
U060	U061	U062	U063	U064	U066	U067	U068	U069	U070	U071
U072	U073	U074	U075	U076	U077	U078	U079	U080	U081	U082
U083	U084	U085	U086	U087	U088	U089	U090	U091	U092	U093
U094	U095	U096	U097	U098	U099	U101	U102	U103	U105	U106

U187, U188, U189, U190, U191, U192, U193, U194, U195, U196, U197, U198,
U199, U200, U201, U202, U203, U204, U205, U206, U207, U208,

U142, U143, U147, U148, U159, U160, U161, U162, U163, U164, U165, U166, U167, U168, U169, U170, U171, U172, U173, U174, U176, U177, U178, U179, U180, U181, U182, U183, U184, U185, U186, U187, U188, U189, U190, U191, U192, U193, U194, U196, U197, U200, U201, U202, U203, U205, U206, U207, U208, U209, U210, U211, U213, U214, U218, U219, U220, U221, U222, U223, U225, U226, U227, U228, U234, U235, U236, U237, U238, U239, U240, U243, U244, U246, U247, U248, U249, U320, U353, U359

F001, F002, F003, F004, F005, F010, F020, F021, F022, F023, ~~F024~~,
F025, F026, F027, F028

~~K001~~—K009, K010, K011, K013, K014, ~~K015~~—K016, K017, K018, K019.

K021, K022, K023, K024, K025, K026, K027, K029, K030, K032, K033, K034, K035, K036, K037, K038, K039, K040, K041, K042, K043, K044, K045, K046, K047, K048, K049, K050, K051, K052, K054,

K097, K098, K099, K100—K103, K104, K105, K111, K112—
K114, K115, K116, K117, K118, K123, K124, K125, K126, K127

D001. D012. D013. D014. D015. D016. D017

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

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California list	Liquid hazardous wastes, including free liquids associated with solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l or certain metals or compounds of these metals greater than or equal to the prohibition levels	July 8, 1987
California list	Liquid (aqueous) hazardous wastes having a pH less than or equal to 2	July 8, 1987
California list	Dilute HOC wastewaters, defined as HOC waste mixtures that are primarily water and that contain greater than or equal to 1,000 mg/l but less than 10,000 mg/l	July 8, 1987
California list	Liquid hazardous waste containing PCBs greater than or equal to 50 ppm	July 8, 1987
California list	Other liquid and non-liquid hazardous wastes containing HOCs in total concentration greater than or equal to 1,000 mg	Nov. 8, 1988
California list	Soil and debris HOCs not from CERCLA/RCRA corrective actions	July 8, 1989
California list	Soil and debris HOCs from CERCLA/RCRA corrective actions	Nov. 8, 1990
B001	All	Aug. 8, 1990
B002	All	Aug. 8, 1990
B003	All	Aug. 8, 1990
B004	Inorganic solid debris	May 8, 1992
B004	Nonwastewater	May 8, 1992
B004	Wastewater	Aug. 8, 1990
B005	Inorganic solid debris	May 8, 1992
B005	All others	Aug. 8, 1990

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B006	Inorganic solid debris	May 8, 1992
B006	All others	Aug. 8, 1990
B007	Inorganic solid debris	May 8, 1992
B007	All others	Aug. 8, 1990
B008	Inorganic solid debris	May 8, 1992
B008	Lead acid batteries	May 8, 1992
B008	All others	Aug. 8, 1990
B009	Inorganic solid debris	May 8, 1992
B009	High mercury nonwastewater	May 8, 1992
B009	Low mercury nonwastewater	May 8, 1992
B009	All others	Aug. 8, 1990
B010	Inorganic solid debris	May 8, 1992
B010	All others	Aug. 8, 1990
B011	Inorganic solid debris	May 8, 1992
B011	All others	Aug. 8, 1990
B012	All	Aug. 8, 1990
B013	All	Aug. 8, 1990
B014	All	Aug. 8, 1990
B015	All	Aug. 8, 1990
B016	All	Aug. 8, 1990
B017	All	Aug. 8, 1990
F001-F005	All, except in next listing	Nov. 8, 1986

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F001-F005	Small quantity generators, CERCLA/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids, and non CERCLA/RCRA corrective action soils with less than 1 percent total solvent constituents	Nov. 8, 1988	F023	Soil and debris	Nov. 8, 1990
F001-F005	Soil and debris	Nov. 8, 1990	F023	All others	Nov. 8, 1988
F002-b	All	Aug. 8, 1990	F024	Soil and debris	June 8, 1991
F005-e	All	Aug. 8, 1990	F024 (metals)	Nonwastewater	Aug. 8, 1990
F006	Wastewater	Aug. 8, 1990	F024 (dioxins/furans)	All	Aug. 8, 1990
F006	Nonwastewater	Aug. 8, 1988	F024	All others	June 8, 1989
F006 (cyanides)	Nonwastewater	July 8, 1989	F025	All	Aug. 8, 1990
F007	All	July 8, 1989	F026	Soil and debris	Nov. 8, 1990
F008	All	July 8, 1989	F026	All others	Nov. 8, 1988
F009	All	July 8, 1989	F027	Soil and debris	Nov. 8, 1990
F010	Soil and debris	June 8, 1991	F027	All others	Nov. 8, 1988
F010	All others	June 8, 1989	F028	Soil and debris	Nov. 8, 1990
F011	All	July 8, 1989	F028	All others	Nov. 8, 1988
F012	All	July 8, 1989	F029	Wastewater	Aug. 8, 1990
F019	All	Aug. 8, 1990	F029	Nonwastewater	May 8, 1992
F020	Soil and debris	Nov. 8, 1990	K001	Soil and debris	Aug. 8, 1990
F020	All others	Nov. 8, 1988	K001 (lead/organics)	All	Aug. 8, 1988
F021	Soil and debris	Nov. 8, 1990	K001	All others	Aug. 8, 1990
F021	All others	Nov. 8, 1988	K002	All	Aug. 8, 1990
F022	Soil and debris	Nov. 8, 1990	K003	All	Aug. 8, 1990
F022	All others	Nov. 8, 1988	K004	All	Aug. 8, 1990
F022	Soil and debris	Nov. 8, 1990	K005-d	All	Aug. 8, 1990
F022	All others	Nov. 8, 1988	K006	All	Aug. 8, 1990
			K007-d	All	Aug. 8, 1990

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K008	All	Aug. 8, 1990
K009	Soil and debris	June 8, 1991
K009	All others	June 8, 1989
K010	Soil and debris	June 8, 1991
K010	All others	June 8, 1989
K011	Wastewater	Aug. 8, 1990
K011	Nonwastewater	June 8, 1989
K011	Soil and debris	June 8, 1991
K013	Wastewater	Aug. 8, 1990
K013	Nonwastewater	June 8, 1989
K013	Soil and debris	June 8, 1991
K014	Wastewater	Aug. 8, 1990
K014	Nonwastewater	June 8, 1989
K014	Soil and debris	June 8, 1991
K015	Wastewater	Aug. 8, 1990
K015	Nonwastewater	Aug. 8, 1990
K016	Soil and debris	Aug. 8, 1990
K016	All others	Aug. 8, 1988
K017	All	Aug. 8, 1990
K018	Soil and debris	Aug. 8, 1990
K018	All others	Aug. 8, 1988
K019	Soil and debris	Aug. 8, 1990
K019	All others	Aug. 8, 1988
K020	Soil and debris	Aug. 8, 1990
K020	All others	Aug. 8, 1988

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K021-e	All	Aug. 8, 1990
K022	Wastewater	Aug. 8, 1990
K022	Nonwastewater	Aug. 8, 1988
K022	Soil and debris	Aug. 8, 1990
K023	Soil and debris	June 8, 1991
K023	All others	June 8, 1989
K024	Soil and debris	Aug. 8, 1990
K024	All others	Aug. 8, 1988
K025-e	All	Aug. 8, 1990
K026	All	Aug. 8, 1990
K027	Soil and debris	June 8, 1991
K027	All others	June 8, 1989
K028	Soil and debris	June 8, 1991
K028 (metals)	Nonwastewater	Aug. 8, 1990
K028	All others	June 8, 1989
K029	Wastewater	Aug. 8, 1990
K029	Nonwastewater	June 8, 1989
K029	Soil and debris	June 8, 1991
K030	Soil and debris	Aug. 8, 1990
K030	All others	Aug. 8, 1988
K031	Wastewater	Aug. 8, 1990
K031	Nonwastewater	May 8, 1992
K032	All	Aug. 8, 1990
K033	All	Aug. 8, 1990
K034	All	Aug. 8, 1990

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K035	All	Aug. 8, 1990	K050	Nonwastewater	Nov. 8, 1990
K036-e	All	Aug. 8, 1990	K051	Wastewater	Aug. 8, 1990
K037	Soil and debris	Aug. 8, 1990	K051	Nonwastewater	Nov. 8, 1990
K037	Wastewater	Aug. 8, 1990	K052	Wastewater	Aug. 8, 1990
K037	All others	Aug. 8, 1989	K052	Nonwastewater	Nov. 8, 1990
K038	Soil and debris	June 8, 1991	K060-e	All	Aug. 8, 1990
K038	All others	June 8, 1989	K061	Wastewater	Nov. 8, 1990
K039	Soil and debris	June 8, 1991	K061	Nonwastewater	Aug. 8, 1990
K039	All others	June 8, 1989	K062	All	Aug. 8, 1989
K040	Soil and debris	June 8, 1991	K069	All	Aug. 8, 1990
K040	All others	June 8, 1989	K073	All	Aug. 8, 1990
K041	All	Aug. 8, 1990	K083	All	Aug. 8, 1990
K042	All	Aug. 8, 1990	K084	Wastewater	Aug. 8, 1990
K043	Soil and debris	June 8, 1991	K084	Nonwastewater	May 8, 1992
K043	All others	June 8, 1989	K085	All	Aug. 8, 1990
K044	All	Aug. 8, 1990	K086	All	Aug. 8, 1990
K045	All	Aug. 8, 1990	K087	Soil and debris	Aug. 8, 1990
K046	Nonreactive nonwastewater	Aug. 8, 1989	K087	All others	Aug. 8, 1989
K046	All others	Aug. 8, 1990	K093	Soil and debris	June 8, 1991
K047	All	Aug. 8, 1990	K093	All others	June 8, 1989
K048	Wastewater	Aug. 8, 1990	K094	Soil and debris	June 8, 1991
K048	Nonwastewater	Nov. 8, 1990	K094	All others	June 8, 1989
K049	Wastewater	Aug. 8, 1990	K095	Wastewater	Aug. 8, 1990
K049	Nonwastewater	Nov. 8, 1990	K095	Nonwastewater	June 8, 1989
K050	Wastewater	Aug. 8, 1990	K095	Soil and debris	June 8, 1991

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K050	Nonwastewater	Nov. 8, 1990
K051	Wastewater	Aug. 8, 1990
K051	Nonwastewater	Nov. 8, 1990
K052	Wastewater	Aug. 8, 1990
K052	Nonwastewater	Nov. 8, 1990
K060-e	All	Aug. 8, 1990
K061	Wastewater	Nov. 8, 1990
K061	Nonwastewater	Aug. 8, 1990
K062	All	Aug. 8, 1989
K069	All	Aug. 8, 1990
K073	All	Aug. 8, 1990
K083	All	Aug. 8, 1990
K084	Wastewater	Aug. 8, 1990
K084	Nonwastewater	May 8, 1992
K085	All	Aug. 8, 1990
K086	All	Aug. 8, 1990
K087	Soil and debris	Aug. 8, 1990
K087	All others	Aug. 8, 1989
K093	Soil and debris	June 8, 1991
K093	All others	June 8, 1989
K094	Soil and debris	June 8, 1991
K094	All others	June 8, 1989
K095	Wastewater	Aug. 8, 1990
K095	Nonwastewater	June 8, 1989
K095	Soil and debris	June 8, 1991

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K096	Wastewater	Aug. 8, 1990	K116	Soil and debris	June 8, 1991
K096	Nonwastewater	June 8, 1989	K116	All others	June 8, 1989
K096	Soil and debris	June 8, 1991	P001	All	Aug. 8, 1990
K097	All	Aug. 8, 1990	P002	All	Aug. 8, 1990
K098	All	Aug. 8, 1990	P003	All	Aug. 8, 1990
K099	All	Aug. 8, 1988	P004	All	Aug. 8, 1990
K100-e	All	Aug. 8, 1990	P005	All	Aug. 8, 1990
K101	Wastewater	Aug. 8, 1988	P006	All	Aug. 8, 1990
K101	Nonwastewater	May 8, 1992	P007	All	Aug. 8, 1990
K102	Wastewater	Aug. 8, 1988	P008	All	Aug. 8, 1990
K102	Nonwastewater	May 8, 1992	P009	All	Aug. 8, 1990
K103	Soil and debris	Aug. 8, 1990	P010	Wastewater	Aug. 8, 1990
K103	All others	Aug. 8, 1988	P010	Nonwastewater	May 8, 1992
K104	Soil and debris	Aug. 8, 1990	P011	Wastewater	Aug. 8, 1990
K104	All others	Aug. 8, 1988	P011	Nonwastewater	May 8, 1992
K105	All	Aug. 8, 1990	P012	Wastewater	Aug. 8, 1990
K106	High mercury nonwastewater	May 8, 1992	P012	Nonwastewater	May 8, 1992
K106	Low mercury nonwastewater	May 8, 1992	P013	All	Aug. 8, 1990
K106	All others	Aug. 8, 1990	P014	All	Aug. 8, 1990
K112	Soil and debris	June 8, 1991	P015	All	Aug. 8, 1990
K113	All others	June 8, 1989	P016	All	Aug. 8, 1990
K114	Soil and debris	June 8, 1991	P017	All	Aug. 8, 1990
K114	All others	June 8, 1989	P018	All	Aug. 8, 1990
K115	Soil and debris	June 8, 1991	P020	All	Aug. 8, 1990
K115	All others	June 8, 1989	P021	All	June 8, 1989

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P022	All	Aug. 8, 1990	P044	Soil and debris	June 8, 1991
P023	All	Aug. 8, 1990	P044	All others	June 8, 1989
P024	All	Aug. 8, 1990	P045	All	Aug. 8, 1990
P026	All	Aug. 8, 1990	P046	All	Aug. 8, 1990
P027	All	Aug. 8, 1990	P047	All	Aug. 8, 1990
P028	All	Aug. 8, 1990	P048	All	Aug. 8, 1990
P029	All	June 8, 1989	P049	All	Aug. 8, 1990
P030	All	June 8, 1989	P050	All	Aug. 8, 1990
P031	All	Aug. 8, 1990	P051	All	Aug. 8, 1990
P033	All	Aug. 8, 1990	P054	All	Aug. 8, 1990
P034	All	Aug. 8, 1990	P056	All	Aug. 8, 1990
P036	Wastewater	Aug. 8, 1990	P057	All	Aug. 8, 1990
P036	Nonwastewater	May 8, 1992	P058	All	Aug. 8, 1990
P037	All	Aug. 8, 1990	P059	All	Aug. 8, 1990
P038	Wastewater	Aug. 8, 1990	P060	All	Aug. 8, 1990
P038	Nonwastewater	May 8, 1992	P062	Soil and debris	June 8, 1991
P039	Soil and debris	June 8, 1991	P062	All others	June 8, 1989
P039	All others	June 8, 1989	P063	All	June 8, 1989
P040	Soil and debris	June 8, 1991	P064	All	Aug. 8, 1990
P040	All others	June 8, 1989	P065	High mercury nonwastewater	May 8, 1992
P041	Soil and debris	June 8, 1991	P065	Low mercury nonwastewater	May 8, 1992
P041	All others	June 8, 1989	P065	All others	Aug. 8, 1990
P042	All	Aug. 8, 1990	P066	All	Aug. 8, 1990
P043	Soil and debris	June 8, 1991	P067	All	Aug. 8, 1990
P043	All others	June 8, 1989	P068	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P069	All	Aug. 8, 1990	P094	Soil and debris	June 8, 1991
P070	All	Aug. 8, 1990	P094	All others	June 8, 1989
P071	Soil and debris	June 8, 1991	P095	Soil and debris	May 8, 1992
P071	All others	June 8, 1989	P095	All others	Aug. 8, 1990
P072	All	Aug. 8, 1990	P096	All	Aug. 8, 1990
P073	All	Aug. 8, 1990	P097	Soil and debris	June 8, 1991
P074	All	June 8, 1989	P097	All others	June 8, 1989
P075	All	Aug. 8, 1990	P098	All	June 8, 1989
P076	All	Aug. 8, 1990	P099 (silver)	Wastewater	Aug. 8, 1990
P077	All	Aug. 8, 1990	P099 (cyanides)	Wastewater	June 8, 1989
P078	All	Aug. 8, 1990	P099 (cyanides/silver)	Nonwastewater	June 8, 1989
P081	All	Aug. 8, 1990	P101	All	Aug. 8, 1990
P082	All	Aug. 8, 1990	P102	All	Aug. 8, 1990
P084	All	Aug. 8, 1990	P103	All	Aug. 8, 1990
P085	Soil and debris	June 8, 1991	P104 (silver)	Wastewater	Aug. 8, 1990
P085	All others	June 8, 1989	P104 (cyanides)	Wastewater	June 8, 1989
P087	All	May 8, 1992	P104 (cyanides/silver)	Nonwastewater	June 8, 1989
P088	All	Aug. 8, 1990	P105	All	Aug. 8, 1990
P089	Soil and debris	June 8, 1991	P106	All	June 8, 1989
P089	All others	June 8, 1989	P108	Soil and debris	May 8, 1992
P092	High mercury nonwastewater	May 8, 1992	P108	All others	Aug. 8, 1990
P092	Low mercury nonwastewater	May 8, 1992	P109	Soil and debris	June 8, 1991
P092	All others	Aug. 8, 1990	P109	All others	June 8, 1989
P093	Soil and debris	May 8, 1992			
P093	All others	Aug. 8, 1990			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P094	Soil and debris	June 8, 1991
P094	All others	June 8, 1989
P095	Soil and debris	May 8, 1992
P095	All others	Aug. 8, 1990
P096	All	Aug. 8, 1990
P097	Soil and debris	June 8, 1991
P097	All others	June 8, 1989
P098	All	June 8, 1989
P099 (silver)	Wastewater	Aug. 8, 1990
P099 (cyanides)	Wastewater	June 8, 1989
P099 (cyanides/silver)	Nonwastewater	June 8, 1989
P101	All	Aug. 8, 1990
P102	All	Aug. 8, 1990
P103	All	Aug. 8, 1990
P104 (silver)	Wastewater	Aug. 8, 1990
P104 (cyanides)	Wastewater	June 8, 1989
P104 (cyanides/silver)	Nonwastewater	June 8, 1989
P105	All	Aug. 8, 1990
P106	All	June 8, 1989
P108	Soil and debris	May 8, 1992
P108	All others	Aug. 8, 1990
P109	Soil and debris	June 8, 1991
P109	All others	June 8, 1989

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P110	All	Aug. 8, 1990	U007	All-ethers	Aug. 8, 1990
P111	Soil and debris	June 8, 1991	U008	All	Aug. 8, 1990
P111	All-ethers	June 8, 1989	U009	All	Aug. 8, 1990
P112	All	Aug. 8, 1990	U010	Soil and debris	May 8, 1992
P113	All	Aug. 8, 1990	U010	All-ethers	Aug. 8, 1990
P114	All	Aug. 8, 1990	U011	Soil and debris	May 8, 1992
P115	All	Aug. 8, 1990	U011	All-ethers	Aug. 8, 1990
P116	Soil and debris	May 8, 1992	U012	All	Aug. 8, 1990
P116	All-ethers	Aug. 8, 1990	U014	Soil and debris	May 8, 1992
P118	Soil and debris	May 8, 1992	U014	All-ethers	Aug. 8, 1990
P118	All-ethers	Aug. 8, 1990	U015	Soil and debris	May 8, 1992
P119	All	Aug. 8, 1990	U015	All-ethers	Aug. 8, 1990
P120	All	Aug. 8, 1990	U016	All	Aug. 8, 1990
P121	All	June 8, 1989	U017	Soil and debris	May 8, 1992
P122	All	Aug. 8, 1990	U017	All-ethers	Aug. 8, 1990
P123	All	Aug. 8, 1990	U018	All	Aug. 8, 1990
U001	All	Aug. 8, 1990	U019	All	Aug. 8, 1990
U002	All	Aug. 8, 1990	U020	Soil and debris	May 8, 1992
U003	Soil and debris	May 8, 1992	U020	All-ethers	Aug. 8, 1990
U003	All-ethers	Aug. 8, 1990	U021	Soil and debris	May 8, 1992
U004	All	Aug. 8, 1990	U021	All-ethers	Aug. 8, 1990
U005	All	Aug. 8, 1990	U022	All	Aug. 8, 1990
U006	Soil and debris	May 8, 1992	U023	All	Aug. 8, 1990
U006	All-ethers	Aug. 8, 1990	U024	All	Aug. 8, 1990
U007	Soil and debris	May 8, 1992	U025	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

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U026	Soil and debris	May 8, 1992
U026	All others	Aug. 8, 1990
U027	All	Aug. 8, 1990
U028	Soil and debris	June 8, 1991
U028	All others	June 8, 1989
U029	All	Aug. 8, 1990
U030	All	Aug. 8, 1990
U031	All	Aug. 8, 1990
U032	All	Aug. 8, 1990
U033	Soil and debris	May 8, 1992
U033	All others	Aug. 8, 1990
U034	Soil and debris	May 8, 1992
U034	All others	Aug. 8, 1990
U035	Soil and debris	May 8, 1992
U035	All others	Aug. 8, 1990
U036	All	Aug. 8, 1990
U037	All	Aug. 8, 1990
U038	Soil and debris	May 8, 1992
U038	All others	Aug. 8, 1990
U039	All	Aug. 8, 1990
U041	Soil and debris	May 8, 1992
U041	All others	Aug. 8, 1990
U042	Soil and debris	May 8, 1992
U042	All others	Aug. 8, 1990
U043	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U044	All	Aug. 8, 1990
U045	All	Aug. 8, 1990
U046	Soil and debris	May 8, 1992
U046	All others	Aug. 8, 1990
U047	All	Aug. 8, 1990
U048	All	Aug. 8, 1990
U049	Soil and debris	May 8, 1992
U049	All others	Aug. 8, 1990
U050	All	Aug. 8, 1990
U051	All	Aug. 8, 1990
U052	All	Aug. 8, 1990
U053	All	Aug. 8, 1990
U055	All	Aug. 8, 1990
U056	All	Aug. 8, 1990
U057	All	Aug. 8, 1990
U058	Soil and debris	June 8, 1992
U058	All others	June 8, 1989
U059	Soil and debris	May 8, 1992
U059	All others	Aug. 8, 1990
U060	Soil and debris	May 8, 1992
U060	All others	Aug. 8, 1990
U061	Soil and debris	May 8, 1992
U061	All others	Aug. 8, 1990
U062	Soil and debris	May 8, 1992
U062	All others	Aug. 8, 1990

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

U063	All	Aug. 8, 1990	U086	All	Aug. 8, 1990
U064	All	Aug. 8, 1990	U087	Soil and debris	June 8, 1991
U066	All	Aug. 8, 1990	U087	All others	June 8, 1989
U067	All	Aug. 8, 1990	U088	Soil and debris	June 8, 1991
U068	All	Aug. 8, 1990	U088	All others	June 8, 1989
U069	Soil and debris	June 8, 1991	U089	All	Aug. 8, 1990
U069	All others	June 8, 1989	U090	All	Aug. 8, 1990
U070	All	Aug. 8, 1990	U091	Soil and Debris	May 8, 1992
U071	All	Aug. 8, 1990	U091	All others	Aug. 8, 1990
U072	All	Aug. 8, 1990	U092	Soil and debris	May 8, 1992
U073	Soil and debris	May 8, 1992	U092	All others	Aug. 8, 1990
U073	All others	Aug. 8, 1990	U093	Soil and debris	May 8, 1992
U074	Soil and debris	May 8, 1992	U093	All others	Aug. 8, 1990
U074	All others	Aug. 8, 1990	U094	All	Aug. 8, 1990
U075	All	Aug. 8, 1990	U095	Soil and debris	May 8, 1992
U076	All	Aug. 8, 1990	U095	All others	Aug. 8, 1990
U077	All	Aug. 8, 1990	U096	All	Aug. 8, 1990
U078	All	Aug. 8, 1990	U097	Soil and debris	May 8, 1992
U079	All	Aug. 8, 1990	U097	All others	Aug. 8, 1990
U080	All	Aug. 8, 1990	U098	All	Aug. 8, 1990
U081	All	Aug. 8, 1990	U099	All	Aug. 8, 1990
U082	All	Aug. 8, 1990	U101	All	Aug. 8, 1990
U083	All	Aug. 8, 1990	U102	Soil and debris	June 8, 1991
U084	All	Aug. 8, 1990	U102	All others	June 8, 1989
U085	All	Aug. 8, 1990	U103	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

vi105	All	Aug. 8, 1990	vi125	All	Aug. 8, 1990
vi106	All	Aug. 8, 1990	vi126	All	Aug. 8, 1990
vi107	Soil and debris	June 8, 1991	vi127	All	Aug. 8, 1990
vi107	All others	June 8, 1989	vi128	All	Aug. 8, 1990
vi108	All	Aug. 8, 1990	vi129	All	Aug. 8, 1990
vi109	All	Aug. 8, 1990	vi130	Soil and debris	May 8, 1992
vi110	Soil and debris	May 8, 1992	vi130	All others	Aug. 8, 1990
vi110	All others	Aug. 8, 1990	vi131	All	Aug. 8, 1990
vi111	All	Aug. 8, 1990	vi132	Soil and debris	May 8, 1992
vi112	All	Aug. 8, 1990	vi132	All others	Aug. 8, 1990
vi113	All	Aug. 8, 1990	vi133	All	Aug. 8, 1990
vi114	Soil and debris	May 8, 1992	vi134	All	Aug. 8, 1990
vi114	All others	Aug. 8, 1990	vi135	All	Aug. 8, 1990
vi115	All	Aug. 8, 1990	vi136	Wastewater	Aug. 8, 1990
vi116	Soil and debris	May 8, 1992	vi136	Nonwastewater	May 8, 1992
vi116	All others	Aug. 8, 1990	vi137	All	Aug. 8, 1990
vi117	All	Aug. 8, 1990	vi138	All	Aug. 8, 1990
vi118	All	Aug. 8, 1990	vi140	All	Aug. 8, 1990
vi119	Soil and debris	May 8, 1992	vi141	All	Aug. 8, 1990
vi119	All others	Aug. 8, 1990	vi142	All	Aug. 8, 1990
vi120	All	Aug. 8, 1990	vi143	Soil and debris	May 8, 1992
vi121	All	Aug. 8, 1990	vi143	All others	Aug. 8, 1990
vi122	All	Aug. 8, 1990	vi144	All	Aug. 8, 1990
vi123	All	Aug. 8, 1990	vi145	All	Aug. 8, 1990
vi124	All	Aug. 8, 1990	vi146	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

VI47	All	Aug. 8, 1990	VI63	All others	Aug. 8, 1990
VI48	Soil and debris	May 8, 1992	VI64	Soil and debris	May 8, 1992
VI48	All others	Aug. 8, 1990	VI64	All others	Aug. 8, 1990
VI49	Soil and debris	May 8, 1992	VI65	All	Aug. 8, 1990
VI49	All others	Aug. 8, 1990	VI66	All	Aug. 8, 1990
VI50	Soil and debris	May 8, 1992	VI67	Soil and debris	May 8, 1992
VI50	All others	Aug. 8, 1990	VI67	All others	Aug. 8, 1990
VI51	High mercury nonwastewater	May 8, 1992	VI68	Soil and debris	May 8, 1992
VI51	Low mercury nonwastewater	May 8, 1992	VI68	All others	Aug. 8, 1990
VI51	Soil and debris	May 8, 1992	VI69	All	May 8, 1992
VI51	All others	Aug. 8, 1990	VI70	All	Aug. 8, 1990
VI52	All	Aug. 8, 1990	VI71	Soil and debris	May 8, 1992
VI53	Soil and debris	May 8, 1992	VI71	All others	Aug. 8, 1990
VI53	All others	Aug. 8, 1990	VI72	All	Aug. 8, 1990
VI54	All	Aug. 8, 1990	VI73	Soil and debris	May 8, 1992
VI55	All	Aug. 8, 1990	VI73	All others	Aug. 8, 1990
VI56	Soil and debris	May 8, 1992	VI74	All	Aug. 8, 1990
VI56	All others	Aug. 8, 1990	VI76	Soil and debris	May 8, 1992
VI57	All	Aug. 8, 1990	VI76	All others	Aug. 8, 1990
VI58	All	Aug. 8, 1990	VI77	Soil and debris	May 8, 1992
VI59	All	Aug. 8, 1990	VI77	All others	Aug. 8, 1990
VI60	All	Aug. 8, 1990	VI78	Soil and debris	May 8, 1992
VI61	All	Aug. 8, 1990	VI78	All others	Aug. 8, 1990
VI62	All	Aug. 8, 1990	VI79	All	Aug. 8, 1990
VI63	Soil and debris	May 8, 1992	VI80	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

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U181	All	Aug. 8, 1990	U202	All others	Aug. 8, 1990
U182	All	Aug. 8, 1990	U203	All	Aug. 8, 1990
U183	All	Aug. 8, 1990	U204	All	Aug. 8, 1990
U184	Soil and debris	May 8, 1992	U205	All	Aug. 8, 1990
U184	All others	Aug. 8, 1990	U206	Soil and debris	May 8, 1992
U185	All	Aug. 8, 1990	U206	All others	Aug. 8, 1990
U186	All	Aug. 8, 1990	U207	All	Aug. 8, 1990
U187	All	Aug. 8, 1990	U208	All	Aug. 8, 1990
U188	All	Aug. 8, 1990	U209	All	Aug. 8, 1990
U189	All	Aug. 8, 1990	U210	All	Aug. 8, 1990
U190	Soil and debris	June 8, 1991	U211	All	Aug. 8, 1990
U190	All others	June 8, 1989	U213	All	Aug. 8, 1990
U191	Soil and debris	May 8, 1992	U214	All	Aug. 8, 1990
U191	All others	Aug. 8, 1990	U215	All	Aug. 8, 1990
U192	All	Aug. 8, 1990	U216	All	Aug. 8, 1990
U193	Soil and debris	May 8, 1992	U217	All	Aug. 8, 1990
U193	All others	Aug. 8, 1990	U218	Soil and debris	May 8, 1992
U194	Soil and debris	May 8, 1992	U218	All others	Aug. 8, 1990
U194	All others	Aug. 8, 1990	U219	Soil and debris	May 8, 1992
U196	All	Aug. 8, 1990	U219	All others	Aug. 8, 1990
U197	All	Aug. 8, 1990	U220	All	Aug. 8, 1990
U200	Soil and debris	May 8, 1992	U221	Soil and debris	June 8, 1991
U200	All others	Aug. 8, 1990	U221	All others	June 8, 1989
U201	All	Aug. 8, 1990	U222	Soil and debris	May 8, 1992
U202	Soil and debris	May 8, 1992	U222	All others	Aug. 8, 1990

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U202	All others	Aug. 8, 1990
U203	All	Aug. 8, 1990
U204	All	Aug. 8, 1990
U205	All	Aug. 8, 1990
U206	Soil and debris	May 8, 1992
U206	All others	Aug. 8, 1990
U207	All	Aug. 8, 1990
U208	All	Aug. 8, 1990
U209	All	Aug. 8, 1990
U210	All	Aug. 8, 1990
U211	All	Aug. 8, 1990
U213	All	Aug. 8, 1990
U214	All	Aug. 8, 1990
U215	All	Aug. 8, 1990
U216	All	Aug. 8, 1990
U217	All	Aug. 8, 1990
U218	Soil and debris	May 8, 1992
U218	All others	Aug. 8, 1990
U219	Soil and debris	May 8, 1992
U219	All others	Aug. 8, 1990
U220	All	Aug. 8, 1990
U221	Soil and debris	June 8, 1991
U221	All others	June 8, 1989
U222	Soil and debris	May 8, 1992
U222	All others	Aug. 8, 1990

POLLUTION CONTROL BOARD

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U223	Soil and debris	June 8, 1991
U223	All others	June 8, 1989
U225	All	Aug. 8, 1990
U226	All	Aug. 8, 1990
U227	All	Aug. 8, 1990
U228	All	Aug. 8, 1990
U234	Soil and debris	May 8, 1992
U234	All others	Aug. 8, 1990
U235	Soil and debris	June 8, 1991
U235	All others	June 8, 1989
U236	Soil and debris	May 8, 1992
U236	All others	Aug. 8, 1990
U237	Soil and debris	May 8, 1992
U237	All others	Aug. 8, 1990
U238	Soil and debris	May 8, 1992
U238	All others	Aug. 8, 1990
U239	All	Aug. 8, 1990
U240	Soil and debris	May 8, 1992
U240	All others	Aug. 8, 1990
U243	All	Aug. 8, 1990
U244	Soil and debris	May 8, 1992
U244	All others	Aug. 8, 1990
U246	All	Aug. 8, 1990
U247	All	Aug. 8, 1990
U248	All	Aug. 8, 1990

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U249	All	Aug. 8, 1990
a	This table does not include mixed radioactive wastes (from the first, second, and third third rules) which are receiving a national capacity variance until May 8, 1992 for all applicable treatment technologies.	
b	Standards are being promulgated for 1,1,2-trichloroethane and 2-nitropropane for wastewaters and nonwastewaters.	
c	Standards are being promulgated for benzene and 2-ethoxyethanol for wastewaters and nonwastewaters.	
d	Treatment standards for nonwastewaters disposed of after June 8, 1989, were promulgated June 8, 1989.	
e	Treatment standards for nonwastewaters disposed of after August 17, 1988, were promulgated May 2, 1989.	

Waste code	Waste category	Effective date
California list	Liquid hazardous wastes, including free liquids associated with solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l or certain metals or compounds of these metals greater than or equal to the prohibition levels	July 8, 1987
California list	Liquid (aqueous) hazardous wastes having a pH less than or equal to 2	July 8, 1987
California list	Dilute HOC wastewaters, defined as HOC-waste mixtures that are primarily water and that contain greater than or equal to 1,000 mg/l but less than 10,000 mg/l	July 8, 1987
California list	Liquid hazardous waste containing PCBs greater than or equal to 50 ppm	July 8, 1987
California list	Other liquid and nonliquid hazardous wastes containing HOCs in total concentration greater than or equal to 1,000 mg	Nov. 8, 1988
0001	All	Aug. 8, 1990
0002	All	Aug. 8, 1990
0003	All	Aug. 8, 1990
0004	Wastewater	Aug. 8, 1990
0004	Nonwastewater	Aug. 8, 1990
0005	All	May 8, 1992
0006	All	Aug. 8, 1990
0007	All	Aug. 8, 1990
0008	Lead materials before secondary smelting	May 8, 1992
0009	All others	Aug. 8, 1990
0009	Nonwastewater	Aug. 8, 1990
0010	All others	Aug. 8, 1990
0011	All	Aug. 8, 1990
0012	All	Aug. 8, 1990
0013	All	Aug. 8, 1990
0014	All	Aug. 8, 1990

TABLE 1
EFFECTIVE DATES OF SURFACE DISPOSED WASTES
(NON-SOIL AND DEBRIS) REGULATED IN THE LORS (A)
COMPREHENSIVE LIST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

[illegible]

POLLUTION CONTROL BOARD

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K060	Wastewater	Aug. 8, 1990.
K060 C	Nonwastewater	Aug. 8, 1988.
K061	Wastewater	Aug. 8, 1990.
K061 (low zinc)	Nonwastewater	Aug. 8, 1988.
K062	standard for	
K063	high zinc	
K064	remains in	
K065	effect until	
K066	August 7, 1991).	
K067 (Non- Calcium Sulfate)	ALL	Aug. 8, 1988.
K068	Nonwastewater	Aug. 8, 1988.
K069	ALL others	
K070	ALL	Aug. 8, 1990.
K071	ALL	Aug. 8, 1990.
K072	ALL	Aug. 8, 1990.
K073	ALL	Aug. 8, 1990.
K074	Wastewater	Aug. 8, 1990.
K075	Nonwastewater	May 8, 1992.
K076	ALL	Aug. 8, 1990.
K077	ALL	Aug. 8, 1988.
K078	ALL	Aug. 8, 1990.
K079	ALL	Aug. 8, 1990.
K080	ALL	Aug. 8, 1990.
K081	ALL	Aug. 8, 1990.
K082	ALL	Aug. 8, 1990.
K083	ALL	Aug. 8, 1990.
K084	ALL	Aug. 8, 1990.
K085	ALL	Aug. 8, 1990.
K086	ALL	Aug. 8, 1990.
K087	ALL	Aug. 8, 1990.
K088	ALL	Aug. 8, 1990.
K089	ALL	Aug. 8, 1990.
K090	ALL	Aug. 8, 1990.
K091	ALL	Aug. 8, 1990.
K092	ALL	Aug. 8, 1990.
K093	ALL	Aug. 8, 1990.
K094	ALL	Aug. 8, 1990.
K095	ALL	Aug. 8, 1990.
K096	ALL	Aug. 8, 1990.
K097	ALL	Aug. 8, 1990.
K098	ALL	Aug. 8, 1990.
K099	ALL	Aug. 8, 1990.
K100	ALL	Aug. 8, 1990.
K100 C	ALL	Aug. 8, 1990.
K101	ALL	Aug. 8, 1990.
K101 (organics)	ALL	Aug. 8, 1990.
K101 (metals)	ALL	Aug. 8, 1990.
K102	ALL	Aug. 8, 1990.
K102 (organics)	ALL	Aug. 8, 1990.
K102 (metals)	ALL	Aug. 8, 1990.
K103	ALL	Aug. 8, 1990.
K104	ALL	Aug. 8, 1990.
K105	ALL	Aug. 8, 1990.
K106	ALL	Aug. 8, 1990.
K107	ALL	Aug. 8, 1990.
K108	ALL	Aug. 8, 1990.
K109	ALL	Aug. 8, 1990.
K110	ALL	Aug. 8, 1990.
K111	ALL	Aug. 8, 1990.
K112	ALL	Aug. 8, 1990.
K113	ALL	Aug. 8, 1990.
K114	ALL	Aug. 8, 1990.
K115	ALL	Aug. 8, 1990.
K116	ALL	Aug. 8, 1990.
P001	ALL	Aug. 8, 1990.
P002	ALL	Aug. 8, 1990.
P003	ALL	Aug. 8, 1990.
P004	ALL	Aug. 8, 1990.
P005	ALL	Aug. 8, 1990.
P006	ALL	Aug. 8, 1990.
P007	ALL	Aug. 8, 1990.
P008	ALL	Aug. 8, 1990.
P009	ALL	Aug. 8, 1990.
P010	ALL	Aug. 8, 1990.
P011	ALL	Aug. 8, 1990.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P011	Nonwastewater	May 8, 1992.
P012	Wastewater	Aug. 8, 1990.
P013	Nonwastewater	May 8, 1992.
P014	Nonwastewater	Aug. 8, 1990.
P015	Nonwastewater	June 8, 1989.
P016	ALL others	Aug. 8, 1990.
P017	ALL	Aug. 8, 1990.
P018	ALL	Aug. 8, 1990.
P019	ALL	Aug. 8, 1990.
P020	ALL	Aug. 8, 1990.
P021	ALL	Aug. 8, 1990.
P022	ALL	Aug. 8, 1990.
P023	ALL	Aug. 8, 1990.
P024	ALL	Aug. 8, 1990.
P025	ALL	Aug. 8, 1990.
P026	ALL	Aug. 8, 1990.
P027	ALL	Aug. 8, 1990.
P028	ALL	Aug. 8, 1990.
P029	ALL	Aug. 8, 1990.
P030	ALL	Aug. 8, 1990.
P031	ALL	Aug. 8, 1990.
P032	ALL	Aug. 8, 1990.
P033	ALL	Aug. 8, 1990.
P034	ALL	Aug. 8, 1990.
P035	ALL	Aug. 8, 1990.
P036	ALL	Aug. 8, 1990.
P037	ALL	Aug. 8, 1990.
P038	ALL	Aug. 8, 1990.
P039	ALL	Aug. 8, 1990.
P040	ALL	Aug. 8, 1990.
P041	ALL	Aug. 8, 1990.
P042	ALL	Aug. 8, 1990.
P043	ALL	Aug. 8, 1990.
P044	ALL	Aug. 8, 1990.
P045	ALL	Aug. 8, 1990.
P046	ALL	Aug. 8, 1990.
P047	ALL	Aug. 8, 1990.
P048	ALL	Aug. 8, 1990.
P049	ALL	Aug. 8, 1990.
P050	ALL	Aug. 8, 1990.
P051	ALL	Aug. 8, 1990.
P052	ALL	Aug. 8, 1990.
P053	ALL	Aug. 8, 1990.
P054	ALL	Aug. 8, 1990.
P055	ALL	Aug. 8, 1990.
P056	ALL	Aug. 8, 1990.
P057	ALL	Aug. 8, 1990.
P058	ALL	Aug. 8, 1990.
P059	ALL	Aug. 8, 1990.
P060	ALL	Aug. 8, 1990.
P061	ALL	Aug. 8, 1990.
P062	ALL	Aug. 8, 1990.
P063	ALL	Aug. 8, 1990.
P064	ALL	Aug. 8, 1990.
P065	ALL	Aug. 8, 1990.
P066	ALL	Aug. 8, 1990.
P067	ALL	Aug. 8, 1990.
P068	ALL	Aug. 8, 1990.
P069	ALL	Aug. 8, 1990.
P070	ALL	Aug. 8, 1990.
P071	ALL	Aug. 8, 1990.
P072	ALL	Aug. 8, 1990.
P073	ALL	Aug. 8, 1990.
P074	ALL	Aug. 8, 1990.
P075	ALL	Aug. 8, 1990.
P076	ALL	Aug. 8, 1990.
P077	ALL	Aug. 8, 1990.
P078	ALL	Aug. 8, 1990.

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P081	All	Aug. 8, 1990.
P082	All	Aug. 8, 1990.
P083	All	Aug. 8, 1990.
P084	All	June 8, 1989.
P085	All	May 8, 1992.
P086	All	Aug. 8, 1990.
P087	All	Aug. 8, 1990.
P088	All	Aug. 8, 1990.
P089	All	Aug. 8, 1990.
P090	All	Aug. 8, 1990.
P091	All	Aug. 8, 1990.
P092	All	Aug. 8, 1990.
P093	All	Aug. 8, 1990.
P094	All	Aug. 8, 1990.
P095	All	Aug. 8, 1990.
P096	All	Aug. 8, 1990.
P097	All	Aug. 8, 1990.
P098	All	Aug. 8, 1990.
P099	All	Aug. 8, 1990.
P100	All	Aug. 8, 1990.
P101	All	Aug. 8, 1990.
P102	All	Aug. 8, 1990.
P103	All	Aug. 8, 1990.
P104	All	Aug. 8, 1990.
P105	All	Aug. 8, 1990.
P106	All	Aug. 8, 1990.
P107	All	Aug. 8, 1990.
P108	All	Aug. 8, 1990.
P109	All	Aug. 8, 1990.
P110	All	Aug. 8, 1990.
P111	All	Aug. 8, 1990.
P112	All	Aug. 8, 1990.
P113	All	Aug. 8, 1990.
P114	All	Aug. 8, 1990.
P115	All	Aug. 8, 1990.
P116	All	Aug. 8, 1990.
P117	All	Aug. 8, 1990.
P118	All	Aug. 8, 1990.
P119	All	Aug. 8, 1990.
P120	All	Aug. 8, 1990.
P121	All	Aug. 8, 1990.
P122	All	Aug. 8, 1990.
P123	All	Aug. 8, 1990.
U001	All	Aug. 8, 1990.
U002	All	Aug. 8, 1990.
U003	All	Aug. 8, 1990.
U004	All	Aug. 8, 1990.
U005	All	Aug. 8, 1990.
U006	All	Aug. 8, 1990.
U007	All	Aug. 8, 1990.
U008	All	Aug. 8, 1990.
U009	All	Aug. 8, 1990.
U010	All	Aug. 8, 1990.
U011	All	Aug. 8, 1990.
U012	All	Aug. 8, 1990.
U013	All	Aug. 8, 1990.
U014	All	Aug. 8, 1990.
U015	All	Aug. 8, 1990.
U016	All	Aug. 8, 1990.
U017	All	Aug. 8, 1990.
U018	All	Aug. 8, 1990.
U019	All	Aug. 8, 1990.
U020	All	Aug. 8, 1990.
U021	All	Aug. 8, 1990.
U022	All	Aug. 8, 1990.
U023	All	Aug. 8, 1990.
U024	All	Aug. 8, 1990.
U025	All	Aug. 8, 1990.
U026	All	Aug. 8, 1990.
U027	All	Aug. 8, 1990.

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U028	All	Aug. 8, 1990.
U029	All	Aug. 8, 1990.
U030	All	Aug. 8, 1990.
U031	All	Aug. 8, 1990.
U032	All	Aug. 8, 1990.
U033	All	Aug. 8, 1990.
U034	All	Aug. 8, 1990.
U035	All	Aug. 8, 1990.
U036	All	Aug. 8, 1990.
U037	All	Aug. 8, 1990.
U038	All	Aug. 8, 1990.
U039	All	Aug. 8, 1990.
U040	All	Aug. 8, 1990.
U041	All	Aug. 8, 1990.
U042	All	Aug. 8, 1990.
U043	All	Aug. 8, 1990.
U044	All	Aug. 8, 1990.
U045	All	Aug. 8, 1990.
U046	All	Aug. 8, 1990.
U047	All	Aug. 8, 1990.
U048	All	Aug. 8, 1990.
U049	All	Aug. 8, 1990.
U050	All	Aug. 8, 1990.
U051	All	Aug. 8, 1990.
U052	All	Aug. 8, 1990.
U053	All	Aug. 8, 1990.
U054	All	Aug. 8, 1990.
U055	All	Aug. 8, 1990.
U056	All	Aug. 8, 1990.
U057	All	Aug. 8, 1990.
U058	All	Aug. 8, 1990.
U059	All	Aug. 8, 1990.
U060	All	Aug. 8, 1990.
U061	All	Aug. 8, 1990.
U062	All	Aug. 8, 1990.
U063	All	Aug. 8, 1990.
U064	All	Aug. 8, 1990.
U065	All	Aug. 8, 1990.
U066	All	Aug. 8, 1990.
U067	All	Aug. 8, 1990.
U068	All	Aug. 8, 1990.
U069	All	Aug. 8, 1990.
U070	All	Aug. 8, 1990.
U071	All	Aug. 8, 1990.
U072	All	Aug. 8, 1990.
U073	All	Aug. 8, 1990.
U074	All	Aug. 8, 1990.
U075	All	Aug. 8, 1990.
U076	All	Aug. 8, 1990.
U077	All	Aug. 8, 1990.
U078	All	Aug. 8, 1990.
U079	All	Aug. 8, 1990.
U080	All	Aug. 8, 1990.
U081	All	Aug. 8, 1990.
U082	All	Aug. 8, 1990.
U083	All	Aug. 8, 1990.
U084	All	Aug. 8, 1990.
U085	All	Aug. 8, 1990.
U086	All	Aug. 8, 1990.
U087	All	Aug. 8, 1990.
U088	All	Aug. 8, 1990.
U089	All	Aug. 8, 1990.
U090	All	Aug. 8, 1990.
U091	All	Aug. 8, 1990.
U092	All	Aug. 8, 1990.
U093	All	Aug. 8, 1990.
U094	All	Aug. 8, 1990.
U095	All	Aug. 8, 1990.

U096	All	Aug. 8, 1990.
U097	All	Aug. 8, 1990.
U098	All	Aug. 8, 1990.
U099	All	Aug. 8, 1990.
U100	All	Aug. 8, 1990.
U101	All	Aug. 8, 1990.
U102	All	Aug. 8, 1990.
U103	All	Aug. 8, 1990.
U104	All	Aug. 8, 1990.
U105	All	Aug. 8, 1990.
U106	All	Aug. 8, 1990.
U107	All	Aug. 8, 1990.
U108	All	Aug. 8, 1990.
U109	All	Aug. 8, 1990.
U110	All	Aug. 8, 1990.
U111	All	Aug. 8, 1990.
U112	All	Aug. 8, 1990.
U113	All	Aug. 8, 1990.
U114	All	Aug. 8, 1990.
U115	All	Aug. 8, 1990.
U116	All	Aug. 8, 1990.
U117	All	Aug. 8, 1990.
U118	All	Aug. 8, 1990.
U119	All	Aug. 8, 1990.
U120	All	Aug. 8, 1990.
U121	All	Aug. 8, 1990.
U122	All	Aug. 8, 1990.
U123	All	Aug. 8, 1990.
U124	All	Aug. 8, 1990.
U125	All	Aug. 8, 1990.
U126	All	Aug. 8, 1990.
U127	All	Aug. 8, 1990.

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U096	ALL	AUG. 8, 1990.
U097	ALL	AUG. 8, 1990.
U098	ALL	AUG. 8, 1990.
U099	ALL	AUG. 8, 1990.
U101	ALL	AUG. 8, 1990.
U102	ALL	JUNE 8, 1989.
U103	ALL	AUG. 8, 1990.
U105	ALL	AUG. 8, 1990.
U106	ALL	AUG. 8, 1990.
U107	ALL	JUNE 8, 1989.
U108	ALL	AUG. 8, 1990.
U109	ALL	AUG. 8, 1990.
U110	ALL	AUG. 8, 1990.
U111	ALL	AUG. 8, 1990.
U112	ALL	AUG. 8, 1990.
U113	ALL	AUG. 8, 1990.
U114	ALL	AUG. 8, 1990.
U116	ALL	AUG. 8, 1990.
U117	ALL	AUG. 8, 1990.
U118	ALL	AUG. 8, 1990.
U119	ALL	AUG. 8, 1990.
U120	ALL	AUG. 8, 1990.
U121	ALL	AUG. 8, 1990.
U122	ALL	AUG. 8, 1990.
U123	ALL	AUG. 8, 1990.
U124	ALL	AUG. 8, 1990.
U125	ALL	AUG. 8, 1990.
U126	ALL	AUG. 8, 1990.
U127	ALL	AUG. 8, 1990.
U128	ALL	AUG. 8, 1990.
U129	ALL	AUG. 8, 1990.
U130	ALL	AUG. 8, 1990.
U131	ALL	AUG. 8, 1990.
U132	ALL	AUG. 8, 1990.
U133	ALL	AUG. 8, 1990.
U134	ALL	AUG. 8, 1990.
U135	ALL	AUG. 8, 1990.
U136	ALL	AUG. 8, 1990.
U137	ALL	NOV. 8, 1992.
U138	ALL	AUG. 8, 1990.
U140	ALL	AUG. 8, 1990.
U141	ALL	AUG. 8, 1990.
U142	ALL	AUG. 8, 1990.
U143	ALL	AUG. 8, 1990.
U144	ALL	AUG. 8, 1990.
U145	ALL	AUG. 8, 1990.
U146	ALL	AUG. 8, 1990.
U147	ALL	AUG. 8, 1990.
U148	ALL	AUG. 8, 1990.
U149	ALL	AUG. 8, 1990.
U150	ALL	AUG. 8, 1990.
U151	ALL	AUG. 8, 1990.
U151	ALL	NOV. 8, 1992.
U152	ALL	AUG. 8, 1990.
U153	ALL	AUG. 8, 1990.
U154	ALL	AUG. 8, 1990.
U155	ALL	AUG. 8, 1990.
U156	ALL	AUG. 8, 1990.
U157	ALL	AUG. 8, 1990.
U158	ALL	AUG. 8, 1990.
U159	ALL	AUG. 8, 1990.
U160	ALL	AUG. 8, 1990.
U161	ALL	AUG. 8, 1990.

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U238 ALL
U239 ALL
U240 ALL
U241 ALL
U242 ALL
U243 ALL
U244 ALL
U245 ALL
U246 ALL
U247 ALL
U248 ALL
U249 ALL

AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.
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AUG. 8, 1990.
AUG. 8, 1990.
AUG. 8, 1990.

A This table does not include mixed radioactive wastes (from the First, Second, and Third rules) which are receiving a national capacity variance until May 8, 1992, for all applicable treatment technologies. This table also does not include contaminated soil and debris wastes.

B The standard has been revised in the Third Third Final Rule.

C No land disposal standard has been revised in the Third Third Final Rule.

TABLE 2
SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS
FOR CONTAMINATED SOIL AND DEBRIS (CSD)

Restricted hazardous waste in CSD	Effective date
1. Solvent-(F001-F005) and dioxin-(F020-F023 and F026-F028) containing soil and debris from CERCLA response of RCRA corrective actions. Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than 1% total solvents (F001-F005) or dioxins (F020-F023 and F026-F028).	Nov. 8, 1990.
2. List HOCs from CERCLA response or RCRA corrective actions.	Nov. 8, 1989.
3. List HOCs not from CERCLA response or RCRA corrective actions.	July 8, 1989.
4. All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.	Aug. 8, 1990.
5. All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.	June 8, 1991.
6. All soil and debris contaminated with Third Third wastes or First or Second Third "soft hammer" wastes which had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.	May 8, 1992.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 16 Ill. Reg. , effective

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Section 728.Appendix H National Capacity LDR Variances for UIC Wastes

Waste Code	Waste Category	Effective date
F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	August 8, 1990
California list	Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l, or containing certain metals or compounds of these metals greater than or equal to the prohibition levels	August 8, 1990
California list	Liquid hazardous waste having a pH less than or equal to 2	August 8, 1990
California list	Hazardous wastes containing HOCs in total concentrations less than 10,000 mg/l but greater than or equal to 1,000 mg/l	August 8, 1990
B002-b	All	May 8, 1992
B003 (cyanides)	All	May 8, 1992
B003 (sulfides)	All	May 8, 1992
B003 (explosives, reactives)	All	May 8, 1992
B007	All	May 8, 1992
B009	High Mercury Nonwastewater	May 8, 1992
B009	Low Mercury Nonwastewater	May 8, 1992
F011	All	June 8, 1991

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F039	Wastewater	May 8, 1992
K009	Wastewater	June 8, 1991
K011	Nonwastewater	June 8, 1991
K011	Wastewater	May 8, 1992
K013	Nonwastewater	June 8, 1991
K013	Wastewater	May 8, 1992
K014	All	May 8, 1992
K016 (dilute)	All	June 8, 1991
K048	All	August 8, 1990
K049	All	August 8, 1990
K050	All	August 8, 1990
K051	All	August 8, 1990
K052	All	August 8, 1990
K062	All	August 8, 1990
K071	All	August 8, 1990
K104	All	August 8, 1990
a	Wastes that are deep well disposed on site receive a six-month variance, with restrictions effective in November 1990.	
b	Deepwell injected D002 liquids with a pH less than 2 must meet the California list treatment standards on August 8, 1990.	
Waste code	Waste category	Effective

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F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	date Aug. 8, 1990.
California list	Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l, or containing certain metals or compounds of these metals greater than or equal to the prohibition levels	Aug. 8, 1990.
California list	Liquid hazardous waste having a pH less than or equal to 2	Aug. 8, 1990.
California list	Hazardous wastes containing HOCs in total concentrations less than 10,000 mg/l but greater than or equal to 1,000 mg/l	Aug. 8, 1990.
D002 B	All	May 8, 1992.
D003 (cyanides)	All	May 8, 1992.
D003 (sulfides)	All	May 8, 1992.
D003 (explosives, reactives)	All	May 8, 1992.
D007	All	May 8, 1992.
D009	Nonwastewater	May 8, 1992.
F007	All	June 8, 1991.
F039	Wastewater	May 8, 1992.
K009	Wastewater	June 8, 1991.
K011	Nonwastewater	June 8, 1991.
K011	Wastewater	May 8, 1992.
K013	Nonwastewater	June 8, 1991.
K013	Wastewater	May 8, 1992.
K014	All	May 8, 1992.
K016 (dilute)	All	June 8, 1991.
K049	All	Aug. 8, 1990.
K050	All	Aug. 8, 1990.
K051	All	Aug. 8, 1990.

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K052	All	Aug. 8, 1990.
K062	All	Aug. 8, 1990.
K071	All	Aug. 8, 1990.
K104	All	Aug. 8, 1990.

A Wastes that are deep well disposed on-site receive a six-month variance, with restrictions effective in November 1990.

B Deepwell injected D002 liquids with a pH less than 2 must meet the California List treatment standards on August 8, 1990.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728. Appendix I EP Toxicity Test Method and Structural Integrity Test

The Board incorporates by reference 40 CFR 268, Appendix IX, adopted at 56 Fed. Reg. 3876, January 31, 1991. This Section incorporates no future amendments or editions.

(Source: Added at 16 Ill. Reg. , effective)

Section 728. Table A Constituent Concentrations in Waste Extract (CCWE)

Waste Code	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Waste waters	Concentration (mg/L) Nonwaste waters
D004	Table B	Arsenic	7440-38-2	NA	5.0 #B
D005	Table B	Barium	7440-39-3	NA	100.
D006	Table B	Cadmium	7440-43-9	NA	1.0
D007	Table B	Chromium (Total)	7440-47-32	NA	5.0
D008	Table B	Lead	7439-92-1	NA	5.0 A

D, F and K Listed Wastes

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D009 (Low Mercury Subcategory--less than 260 mg/kg Mercury)	Tables B & Mercury D	7439-97-6	NA	0.20
D010	Table B	Selenium	7782-49-2	NA
D011	Table B	Silver	7440-22-4	5.0
F001-F005 spent solvents	Tables B & Acetone D	67-64-1	0.2505	0.59
		n-Butyl alcohol	71-36-3	5.0
		Carbon disulfide	75-15-0	4.81
		Carbon tetrachloride	56-23-5	0.05
		Chlorobenzene	108-90-7	0.15
		Cresols (and cresylic acid)	2-82	0.75
		Cyclohexanone	108-94-1	0.75
		1,2-Dichlorobenzene	95-50-1	0.65
		Ethyl acetate	141-78-6	0.05
		Ethylbenzene	100-41-4	0.05
		Ethyl ether	60-29-7	0.05
		Isobutanol	78-83-1	3.0
		Methanol	67-56-1	0.25
		Methylene chloride	75-79-2	0.20
		Methyl ethyl ketone	78-93-3	0.05
		Methyl isobutyl ketone	108-10-1	0.05
		Nitrobenzene	98-95-3	0.66
		Pyridine	110-86-1	1.12
		Tetrachloroethylene	127-18-4	0.33
		Toluene	108-88-3	0.079
		1,1,1-Trichloroethane	71-55-6	1.12
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	1.05
		Trichloroethylene	79-01-6	0.062
		Trichlorofluoromethane	75-69-4	0.05
		Xylene	75-69-4	0.15
F006	Table B	Cadmium	7440-43-9	NA
		Chromium (Total)	7440-47-32	5.2
		Lead	7439-92-1	0.51
		Nickel	7440-02-0	0.32
		Silver	7440-22-4	0.072
F007	Table B	Cadmium	7440-43-9	NA
		Chromium (Total)	7440-47-32	5.2
		Lead	7439-92-1	0.51
		Nickel	7440-02-0	0.32
		Silver	7440-22-4	0.072
F008	Table B	Cadmium	7440-43-9	NA
		Chromium (Total)	7440-47-32	5.2
		Lead	7439-92-1	0.51
		Nickel	7440-02-0	0.32
		Silver	7440-22-4	0.072
F009	Table B	Cadmium	7440-43-9	NA
		Chromium (Total)	7440-47-32	5.2
		Lead	7439-92-1	0.51
		Nickel	7440-02-0	0.32
		Silver	7440-22-4	0.072
F011	Table B	Cadmium	7440-43-9	NA
		Chromium (Total)	7440-47-32	5.2
		Lead	7439-92-1	0.51
		Nickel	7440-02-0	0.32

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[illegible]

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K086	Table B	Chromium (Total) Lead	7440-47-32 7439-92-1	NA NA	0.094 0.37
K087	Table B	Lead	7439-92-1	NA	0.51
K100	Table B	Cadmium Chromium (Total) Lead	7440-48-9 7440-47-32 7439-92-1	NA NA NA	0.066 5.2 0.51
K101	Table B	Arsenic	7440-38-2	NA	5.6 #A
K102	Table B	Arsenic	7440-38-2	NA	5.6 #A
K106	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC) Tables B & Mercury D		7439-97-6	NA	0-200.020
K106	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC) Tables B & Mercury D		7439-97-6	NA	NA-200.025
K115	Table B	Nickel	7440-02-3-0	NA	0.32

#--these treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

2--these waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not Applicable.

P and U Listed Wastes

Waste Code	See Also	Commercial Chemical Name	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
P010	Table B	Arsenic acid	Arsenic	7440-38-2	NA	5.6 A
P011	Table B	Arsenic pentoxide	Arsenic	7440-38-2	NA	5.6 A
P012	Table B	Arsenic trioxide	Arsenic	7440-38-2	NA	5.6 A
P013	Table B	Barium cyanide	Barium	7440-39-3	NA	52.
P036	Table B	Dichlorophenylarsine	Arsenic	7440-38-2	NA	5.6 A
P038	Table B	Diethylarsine	Arsenic	7440-38-2	NA5	5.6 A
P065	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC) Tables B & Mercury D	Mercury fulminate	Mercury	7439-97-6	NA	0.20
P065	(Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC)) Tables B & Mercury D	Mercury fulminate	Mercury	7439-97-6	NA	0.025
P073	Table B	Nickel carbonyl	Nickel	7440-02-3-0	NA	0.32
P074	Table B	Nickel cyanide	Nickel	7440-02-3-0	NA	0.32

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P092	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC) Tables B & Phenyl mercury D	acetate	7439-97-6	NA	0.20
P092	(Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC)) Tables B & Phenyl mercury D	acetate	7439-97-6	NA	0.025
P099	Table B	Potassium silver cyanide	7440-22-4	NA	0.072
P103	Table B	Selenourea	7782-49-2	NA	5.7
P104	Table B	Silver cyanide	7440-22-4	NA	0.072
P110	Table B	Tetraethyl lead	7439-92-1	NA	0.51
P114	Table B	Thallium selenite	7782-49-2	NA	5.7
U032	Table B	Calcium chromate	Chromium (Total) 7440-47-32	NA	0.094
U051	Table B	Creosote	7439-92-1	NA	0.51
U136	Table B	Cacodylic acid	Arsenic 7440-38-2	NA	5.6
U144	Table B	Lead acetate	Lead 7439-92-1	NA	0.51
U145	Table B	Lead phosphate	Lead 7439-92-1	NA	0.51
U146	Table B	Lead subacetate	Lead 7439-92-1	NA	0.51
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC) Tables B & Mercury D		7439-97-6	NA	0.20
U151	(Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC) Tables B & Mercury D		7439-97-6	NA	0.025
U204	Table B	Selenium dioxide	Selenium 7782-49-2	NA	5.7
U205	Table B	Selenium sulfide	Selenium 7782-49-2	NA	5.7

#A-- These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

2#-- These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA-- Not Applicable.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728. Table B Constituent Concentrations in Waste (CCW)

Waste Code	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastewaters	Concentration (mg/L) Nonwastewaters
			D, F and K Listed Wastes		

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Anthracene	120-12-7	0.059 B	4.0 A	o-Dichlorobenzene	95-50-1	0.088 B	6.2 A
Aroclor 1016	140-57-8	0.36 B	NA	p-Dichlorobenzene	106-46-7	0.090 B	6.2 A
Aroclor 1221	12674-11-2	0.013 B	0.92 A	Dichlorodifluoromethane	75-71-8	0.23 B	7.2 A
Aroclor 1232	11104-28-2	0.014 B	0.92 A	1,1-Dichloroethane	75-34-3	0.059 B	7.2 A
Aroclor 1242	11141-16-5	0.013 B	0.92 A	1,2-Dichloroethane	107-06-2	0.21 B	7.2 A
Aroclor 1248	53469-21-9	0.017 B	0.92 A	trans-1,2-Dichloroethene	75-35-4	0.025 B	33. A
Aroclor 1254	12672-29-6	0.013 B	0.92 A	trans-1,2-Dichloroethene ethylene		0.054 B	33. A
Aroclor 1260	11097-69-1	0.014 B	1.8 A	2,4-Dichlorophenol	120-83-2	0.044 B	14. A
alpha-BHC	11096-82-5	0.0014 B	0.066 A	2,6-Dichlorophenol	87-65-0	0.044 B	14. A
beta-BHC	319-84-6	0.0001 B	0.066 A	1,2-Dichloropropane	78-87-5	0.85 B	18. A
delta-BHC	319-86-8	0.023 B	0.066 A	cis-1,3-Dichloropropane	10061-01-5	0.036 B	18. A
gamma-BHC	58-89-9	0.0017 B	0.066 A	trans-1,3-Dichloropropane	10061-02-6	0.036 B	18. A
Benzene	71-43-2	0.14 B	36. A	Dieldrin	60-57-1	0.017 B	0.13 A
Benz(a)anthracene	56-55-3	0.059 B	8.2 A	Diethyl phthalate	84-66-2	0.20 B	28. A
Benz(b)fluoranthene	205-99-2	0.055 B	3.4 A	Diethyl sebacate	60-31-3	0.13	NA
Benzofluoranthene	207-08-9	0.055 B	3.4 A	2,4-Dimethyl phenol	105-67-9	0.036 B	16. A
Benzog(h,i)perylene	191-24-2	0.055 B	1.5 A	Dimethyl phthalate	131-11-3	0.047 B	28. A
Benzodibenz(a,h)anthracene	50-32-8	0.061 B	8.2 A	Di-n-butyl phthalate	84-74-2	0.057 B	28. A
Bromodichloromethane	75-27-4	0.35 B	15. A	4,6-Dinitro-o-cresol	100-25-4	0.32 B	2.3 A
Bromofluoromethane	75-25-2	0.63 B	15. A	1,4-Dinitrobenzene	534-52-1	0.28 B	160. A
Bromoform (1,1,1-tribromomethane)	74-63-9	0.11 B	15. A	2,4-Dinitrophenol	51-28-5	0.12 B	160. A
Bromomethane (methyl bromide)	74-63-9	0.055 B	15. A	2,6-Dinitrophenol	121-14-2	0.32 B	140. A
4-Bromophenyl phenyl ether	101-55-3	0.055 B	2.6 A	2,6-Dinitrotoluene	606-20-2	0.55 B	28. A
n-Butyl alcohol	71-36-3	5.6 B	7.9 A	D-n-octyl phthalate	117-84-0	0.017 B	28. A
Butyl benzyl phthalate	85-68-7	0.017 B	7.9 A	Di-n-propyl nitrosamine	621-64-7	0.40 B	14. A
2-sec-Butyl-4,6-dinitrophenol	88-85-7	0.066 B	2.5 A	Diphenylamine	122-39-4	0.51 B	NA
Carbon tetrachloride	56-23-5	0.057 B	5.6 A	1,2-Diphenyl hydrazine	122-66-7	0.087 B	NA
Carbon disulfide	75-15-0	0.014 B	NA	Diphenylnitrosamine	621-66-7	0.40 B	NA
Chlordane	57-74-9	0.0033 B	0.13 A	Disulfone	123-91-1	0.12 B	170. A
p-Chloroaniline	106-47-8	0.46 B	16. A	Endosulfan I	298-04-4	0.017 B	6.2 A
Chlorobenzene	108-90-7	0.057 B	5.7 A	Endosulfan II	939-98-8	0.023 B	0.066 A
Chlorobenzilate	510-15-6	0.10 B	NA	Endosulfan sulfate	33213-6-5	0.029 B	0.13 A
2-Chloro-1,3-butadiene	126-99-8	0.057 B	NA	Endrin	1031-07-8	0.029 B	0.13 A
Chlorodibromomethane	126-48-1	0.057 B	NA	Endrin aldehyde	72-20-8	0.028 B	0.13 A
Chloroethane	75-00-3	0.27 B	9.0 A	Ethyl acetate	76-21-9	0.025 B	33. A
bis(2-Chloroethoxy)methane	111-91-1	0.036 B	7.2 A	Ethyl cyanide	141-78-6	0.34 B	360. A
bis(2-Chloroethyl) ether	111-44-4	0.033 B	7.2 A	Ethyl benzene	100-41-4	0.12 B	6.0 A
2-Chloroethyl vinyl ether		0.057 B	NA	Ethyl ether	60-29-7	0.057 B	160. A
Chloroform	67-66-3	0.046 B	5.6 A	Bis(2-Ethylhexyl) phthalate	117-81-7	0.28 B	28. A
bis(2-Chloroisopropyl) ether	39638-32-9	0.055 B	7.2 A	Ethyl methacrylate	97-63-2	0.14 B	160. A
p-Chloro-m-cresol	59-50-7	0.018 B	14. A	Ethylene oxide	75-21-8	0.12 B	NA
Chloromethane (Methyl chloride)	74-87-3	0.19 B	33. A	Famphur	52-85-7	0.017 B	15. A
2-Chloronaphthalene	91-87-3	0.055 B	5.6 A	Fluoranthene	206-44-0	0.068 B	8.2 A
2-Chlorophenol	95-57-8	0.044 B	5.7 A	Fluorene	86-73-7	0.059 B	4.0 A
3-Chlorophenol	107-05-1	0.036 B	28. A	Heptachlor	75-69-4	0.020 B	33. A
Chrysene	218-01-9	0.059 B	8.2 A	Heptachlor epoxide	76-44-8	0.012 B	0.066 A
o-Cresol	95-48-7	0.11 B	3.2 A	Hexachlorobenzene	1024-57-3	0.016 B	0.066 A
Cresol (m- and p-isomers)		0.77 B	NA	Hexachlorobutadiene	118-74-1	0.055 B	37. A
Cyclohexanone	108-94-1	0.36 B	15. A	Hexachlorocyclopentadiene	87-68-3	0.055 B	28. A
1,2-Dibromo-3-chloropropane	96-12-8	0.11 B	15. A	Hexachlorocyclohexadiene	77-47-4	0.055 B	3.6 A
1,2-Dibromomethane (Ethylene dibromide)	106-93-4	0.028 B	15. A	Hexachlorodibenzofurans		0.00063 B	0.001 A
Dibromomethane		0.11 B	15. A	Hexachlorodibenzop-dioxins		0.00043 B	0.001 A
2,4-Dichlorophenoxyacetic acid (2,4-D)	74-95-3	0.11 B	10. A	Hexachloroethane	67-72-1	0.055 B	28. A
o,p'-DDD	53-19-0	0.023 B	0.087 A	Hexachloropropene	1888-71-7	0.035 B	28. A
p,p'-DDD	72-54-8	0.023 B	0.087 A	Indene(1,2,3-c,d)pyrene	193-39-5	0.055 B	8.2 A
p,p'-DDE	3424-82-6	0.031 B	0.087 A	Iodomethane	74-88-4	0.019 B	65. A
p,p'-DDE	72-55-9	0.031 B	0.087 A	Isooctane	78-83-1	5.6 B	170. A
p,p'-DDT	789-02-6	0.0039 B	0.087 A	Isooctole	465-73-6	0.021 B	0.066 A
p,p'-DDT	50-29-3	0.0039 B	0.087 A	Kepone	120-58-1	0.081 B	2.6 A
Dibenz(a,h)anthracene	53-70-3	0.055 B	8.2 A	Methacrylonitrile	143-50-8	0.001 B	0.13 A
Dibenz(a,e)pyrene		0.061 B	NA	Methanol	67-50-1	5.6 B	NA
m-Dichlorobenzene	192-65-4	0.036 B	6.2 A	Methoxychlor	91-80-5	0.081 B	1.5 A
	541-73-1				72-43-5	0.25 B	0.18 A

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3-Methylcholanthrene	56-49-5	e	0.0055 B	e	15. A
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4	e	0.50 B	e	35. A
Methylene chloride	75-09-2	e	0.089 B	e	33. A
Methyl ethyl ketone	78-93-3	e	0.28 B	e	36. A
Methyl isobutyl ketone	108-10-1	e	0.14 B	e	33. A
Methyl methacrylate	80-62-6	e	0.14 B	e	160. A
Methyl methanesulfonate	66-27-3	e	0.018 B	e	NA
Methyl parathion	298-107-40	e	0.016 B	e	4.6 A
Naphthalene	91-20-3	e	0.059 B	e	3.1 A
2-Naphthylamine	91-59-8	e	0.52 B	e	NA
2-Naphthylamine	100-01-6	e	0.028 B	e	28. A
Nitrobenzene	98-95-3	e	0.068 B	e	14. A
4-Nitrophenol	100-02-7	e	0.32 B	e	28. A
N-Nitrosodimethylamine	55-18-5	e	0.12 B	e	29. A
N-Nitroso-di-n-butylamine	62-75-9	e	0.40 B	e	28. A
N-Nitrosoethylamine	924-76-3	e	0.40 B	e	17. A
N-Nitrosomorpholine	105-95-6	e	0.40 B	e	2.3 A
N-Nitrosopiperidine	59-89-2	e	0.40 B	e	2.3 A
N-Nitrosopyrrolidine	100-75-4	e	0.013 B	e	35. A
Parathion	930-55-2	e	0.013 B	e	35. A
Pentachlorobenzene	56-38-2	e	0.0420, 0.014	e	4.6 A
Pentachlorodibenzofurans	608-93-5	e	0.055 B	e	37. A
Pentachlorodibenzop-dioxins		e	0.00035, 0.00063 B	e	0.001 A
Pentachloronitrobenzene	82-68-8	e	0.00063 B	e	0.001 A
Phenacetin	87-86-5	e	0.055 B	e	4.8 A
Phenanthrene	62-44-2	e	0.089 B	e	7.4 A
Phenol	85-01-8	e	0.081 B	e	16. A
Phorate	108-95-2	e	0.059 B	e	3.1 A
Picramic acid (ethyl esters)	298-02-2	e	0.039 B	e	6.2 A
Phthalic anhydride	302-12-0	e	0.021 B	e	4.6 A
Pronamide	65-44-9	e	0.24	e	360. A
Pyrene	129-00-0	e	0.069 B	e	NA
Safrole	110-86-1	e	0.093 B	e	1.5 A
Silvex (2,4,5-TP)	93-72-1	e	0.014 B	e	8.2 A
2,4,5-T	93-76-5	e	0.081 B	e	16. A
1,2,4,5-Tetrachlorobenzene	95-94-3	e	0.72 B	e	22. A
Tetrachlorodibenzofurans		e	0.72 B	e	7.9 A
Tetrachlorodibenzop-dioxins		e	0.72 B	e	7.9 A
2,3,7,8-Tetrachlorodibenzop-dioxin		e	0.051 B	e	19. A
1,1,1,2-Tetrachloroethane	630-20-6	e	0.055 B	e	0.00063 B
1,1,2,2-Tetrachloroethane	79-34-6	e	0.00063 B	e	0.001 A
1,1,2,2-Tetrachloroethane	127-18-4	e	0.057 B	e	42. A
2,3,4,6-Tetrachlorophenol	58-90-2	e	0.057 B	e	42. A
Toluene	108-88-3	e	0.030 B	e	5.6 A
Toxaphene	8001-35-1	e	0.080 B	e	37. A
1,2,4-Trichlorobenzene	120-82-1	e	0.0095 B	e	28. A
1,1,1-Trichloroethane	71-55-6	e	0.0095 B	e	1.3 A
1,1,2-Trichloroethane	79-00-5	e	0.054 B	e	19. A
Trichloroethylene	79-01-6	e	0.054 B	e	5.6 A
2,4,5-Trichlorophenol	95-95-4	e	0.054 B	e	5.6 A
2,4,6-Trichlorophenol	88-06-2	e	0.18 B	e	37. A
1,2,3-Trichloropropane	96-18-4	e	0.035 B	e	37. A
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	e	0.85 B	e	28. A
Triis(2,3-dibromopropyl)phosphate	126-72-7	e	0.057 B	e	28. A
Vinyl chloride	75-01-4	e	0.11 B	e	NA
Xylenes (Total)	57-12-5	e	0.32 B	e	33. A
Cyanides (Amenable)	57-12-5	e	0.32 B	e	28. A
Cyanides (Amenable)	57-12-5	e	0.86	e	1.8 A

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Fluoride	16964-48-8	e	35. B	e	NA
Sulfide	8496-25-8	e	14. B	e	NA
Antimony	7440-36-0	e	1.9 B	e	NA
Arsenic	7440-38-2	e	5-5.0	e	NA
Barium	7440-39-3	e	1.6 B	e	NA
Beryllium	7440-41-7	e	0.82 B	e	NA
Cadmium	7440-43-9	e	0.20 B	e	NA
Chromium (Total)	7440-47-32	e	0.37 B	e	NA
Copper	7440-50-8	e	1.3 B	e	NA
Lead	7439-92-1	e	0.28 B	e	NA
Mercury	7439-97-6	e	0.15 B	e	NA
Nickel	7440-02-3, 0	e	0.55 B	e	NA
Selenium	7782-49-2	e	0.82 B	e	NA
Silver	7440-22-4	e	0.29 B	e	NA
Thallium	7440-28-0	e	1.4 B	e	NA
Vanadium	7440-62-2	e	0.042 B	e	NA
Zinc	7440-66-6	e	1.0 B	e	NA
Naphthalene	91-20-3	e	0.031 A	e	1.5 A
Pentachlorophenol	87-86-5	e	0.031 A	e	1.5 A
Phenanthrene	85-01-8	e	0.18 A	e	7.4 A
Pyrene	129-00-0	e	0.031 A	e	1.5 A
Toluene	108-88-3	e	0.028 A	e	28. A
Xylenes (Total)		e	0.032 A	e	33. A
Lead	7439-92-1	e	0.037	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7440-47-32	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7439-92-1	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7440-47-32	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7439-92-1	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7440-47-32	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7439-92-1	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7440-47-32	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7439-92-1	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7440-47-32	e	3.4 B	e	NA
Chromium (Total)		e	20.9 B	e	NA
Lead	7439-92-1	e	3.4 B	e	NA
Chloroform	67-66-3	e	0.1	e	6.0 A
Chloroform	67-66-3	e	0.1	e	6.0 A
Acetonitrile	75-05-8	e	38.	e	1.8 A
Acrylonitrile	107-13-1	e	0.06	e	1.4 A
Acrylamide	79-06-1	e	19.	e	23. A
Benzene	71-43-2	e	0.02	e	0.03 A
Cyanide (Total)	57-12-5	e	21.	e	57.
Acetonitrile	75-05-8	e	38.	e	1.8 A
Acrylonitrile	107-13-1	e	0.06	e	1.4 A
Acrylamide	79-06-1	e	19.	e	23. A
Benzene	71-43-2	e	0.02	e	0.03 A

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K014	MA	Cyanide (Total)	57-12-5	21.	57.
		Acetonitrile	75-05-8	38.	1.8 A
		Acrylonitrile	107-13-1	0.06	1.4 A
		Acrylamide	79-06-1	19.	23. A
		Benzene	71-43-2	0.02	0.03 A
		Cyanide (Total)	57-12-5	21.	57.
K015	Table A	Anthracene	120-12-7	1.0	3.4 A
		Benzal chloride	98-87-3	0.28	6.2 A
		Sum of Benz(o)fluoranthene and Benzo(k)fluoranthene	205-99-2	0.0329	3.4 A
		Phenanthrene	207-08-9	0.27	3.4 A
		Toluene	85-01-8	0.15	6.0 A
		Chromium (Total)	108-88-3	0.32	MA
		Nickel	7440-47-32	0.44	MA
			7440-02-3-0		
K016	MA	Hexachlorobenzene	118-76-1	0.033 A	28. A
		Hexachlorobutadiene	87-68-3	0.007 A	5.46 A
		Hexachlorocyclopentadiene	77-47-4	0.007 A	5.6 A
		Hexachloroethane	67-72-1	0.033 A	28. A
		Tetrachloroethene	127-18-4	0.007 A	6.0 A
K017	MA	1,2-Dichloropropane	78-87-5	0.85 AB	28.18. A
		1,2,3-Trichloropropane	96-18-4	0.85 AB	28. A
		Bis(2-chloroethyl) ether	111-44-4	0.033 AB	7.2 A
K018	MA	Chloroethane	75-00-3	0.007 A	6.0 A
		Chloromethane	74-87-3	0.007 A	MA
		1,1-Dichloroethane	75-34-3	0.007 A	6.0 A
		1,2-Dichloroethane	107-06-2	0.007 A	6.0 A
		Hexachlorobenzene	118-76-1	0.033 A	28. A
		Hexachlorobutadiene	87-68-3	0.033007 A	5.6 A
		Hexachloroethane	67-72-1	0.0029A	28. A
		Pentachloroethane	76-01-7	0.007 A	5.6 A
		1,1,1-Trichloroethane	71-55-6	0.007 A	6.0 A
K019	MA	Bis(2-chloroethyl) ether	111-44-4	0.007 A	5.6 A
		Chlorobenzene	108-90-7	0.006 A	6.0 A
		p-Dichlorobenzene	67-66-3	0.044007 A	6.0 A
		1,2-Dichloroethane	106-46-7	0.008 A	MA
		Fluorene	107-06-2	0.044007 A	MA
		Hexachloroethane	86-73-7	0.007 A	MA
		Naphthalene	67-72-1	0.033 A	28. A
		Phenanthrene	91-20-3	0.007 A	5.6 A
		1,2,4,5-Tetrachlorobenzene	85-01-8	0.017 A	MA
		Tetrachloroethene	95-94-3	0.007 A	6.0 A
		1,2,4-Trichlorobenzene	127-18-4	0.023 A	19. A
		1,1,1-Trichloroethane	71-55-6	0.007 A	6.0 A
K020	MA	1,2-Dichloroethane	107-06-2	0.007 A	6.0 A
		1,1,2,2-Tetrachloroethane	79-34-6	0.007 A	5.6 A
		Tetrachloroethene	127-18-4	0.007 A	6.0 A
K021	Table A	Chloroform	67-66-3	0.046 B	6.2 A
		Carbon tetrachloride	58-23-5	0.057 B	6.2 A
		Antimony	58-23-5/7440-36-0	0.037.60 B	6.2A A
K022	Table A	Toluene	108-88-3	0.044080 B	0.034 A
		Acetophenone	96-86-2	0.010	19. A
		Diphenylamine	22-39-4	0.52 B	MA
		Diphenylnitrosamine	86-30-6	0.40 B	MA

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Sum of Diphenylamine and Diphenyl-nitrosamine	MA			13. A
Phenol	0.039			
Chromium (Total)	0.35			12. A
Nickel	0.47			MA
Phthalic anhydride (measured as phthalic acid)	0.54 A			28. A
Phthalic anhydride (measured as Phthalic acid)	0.54 A			28. A
1,1-Dichloroethane	0.007 A			6.0 A
trans-1,2-Dichloroethane	0.033 A			6.0 A
Hexachlorobutadiene	0.007 A			5.6 A
Hexachloroethane	0.033 A			28. A
Pentachloroethane	0.007 A			5.6 A
1,1,1,2-Tetrachloroethane	0.033 A			5.6 A
1,1,2,2-Tetrachloroethane	0.007 A			5.6 A
1,1,1-Trichloroethane	0.007 A			6.0 A
1,1,2-Trichloroethane	0.007 A			6.0 A
Tetrachloroethylene	0.007 A			6.0 A
Cadmium	6.4			MA
Chromium	7440-43-9			MA
Chromium (Total)	0.35			MA
Lead	7439-92-1			MA
Nickel	7440-02-3-0			MA
Chloroform	67-66-3			6.0 A
1,2-Dichloroethane	107-06-2			6.0 A
1,1-Dichloroethylene	75-35-4			6.0 A
1,1,1-Trichloroethane	71-55-6			6.0 A
Vinyl chloride	75-01-4			6.0 A
o-Dichlorobenzene	95-50-1			MA
p-Dichlorobenzene	106-46-7			MA
Hexachlorobutadiene	87-68-3	0.004008 A		5.6 A
Hexachloroethane	67-72-1	0.007 A		28. A
Hexachloropropene	1888-71-7	0.033 A		19. A
Pentachloropropene	608-93-5	MA		28. A
Pentachloroethane	76-01-7	MA		5.6 A
1,2,4,5-Tetrachlorobenzene	95-94-3	0.007 A		14. A
Tetrachloroethene	127-18-4	0.017 A		6.0 A
1,2,4-Trichlorobenzene	120-82-1	0.007 A		19. A
Arsenic	7440-38-2	0.023 A		MA A
Hexachlorocyclopentadiene	77-47-4	0.79		MA A
Chloroform	57-74-9	0.057 B		24. A
Heptachlor	76-44-8	0.0033 B		0.26 A
Heptachlor epoxide	1024-57-3	0.0012 B		0.066 A
Hexachlorocyclopentadiene	77-47-4	0.016 B		0.066 A
Hexachlorocyclopentadiene	77-47-4	0.057 B		2.4 A
Hexachlorocyclopentadiene	77-47-4	0.057 B		2.4 A
Acenaphthene	83-32-9	MA		3.4 A
Anthracene	120-12-7	MA		3.4 A
Benzo(a)anthracene	56-55-3	0.59 B		3.4 A
Benzo(a)pyrene	50-32-8	MA		3.4 A
Chrysene	218-01-9	0.059 B		3.4 A
Dibenz(a,h)anthracene	53-70-3	MA		3.4 A
Fluoranthene	206-44-0	0.068 B		3.4 A
Fluorene	86-73-7	MA		3.4 A
Indeno(1,2,3-cd)pyrene	193-39-5	MA		3.4 A
Cresols (m- and p-isomers)		0.77 B		MA

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K069	Tables A & Cadmium D	7440-43-9	1.6	NA	K087	Table A	Cyanides (Total) Chromium (Total) Lead	57-12-5 7440-47-32 7439-92-1	1.9 0.32 0.037	1.5 A NA NA
	Lead	7439-92-1	0.51	NA						
K071	Table A	7439-97-6	0.030	NA	K093	MA	Acenaphthalene	208-96-8	0.028 A	3.4 A
		58-23-5	0.057 B	6.2 A			Benzene	71-43-2	0.014 A	0.071 A
		67-66-3	0.046 B	30. A			Chrysene	218-01-9	0.028 A	3.4 A
		67-72-1	0.045 B	6.2 A			Fluoranthene	206-44-0	0.028 A	3.4 A
		127-18-4	0.056 B	6.2 A			Indeno(1,2,3-cd)pyrene	193-39-5	0.028 A	3.4 A
K083	Table A	71-55-6	0.054 B	6.2 A	K094	MA	Naphthalene	91-20-3	0.028 A	3.4 A
		71-43-2	0.14 B	6.6 A			Phenanthrene	85-01-8	0.028 A	3.4 A
		62-53-3	0.81	14. A			Toluene	108-88-3	0.008 A	0.65 A
		22-39-4	0.52 B	NA			Xylene(s)	0.014 A	0.07 A	NA
		86-30-6	0.40 B	14. A			Lead	7439-92-1	0.037	28. A
K084	MA	98-95-3	0.068 B	14. A	K095	MA	Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.54 A	28. A
		108-95-2	0.039	5.6 A			Phthalic anhydride (measured as Phthalic acid)	85-44-9	0.54 A	28. A
		108-94-1	0.36	30. NA			1,1,2-Tetrachloroethane	630-20-6	0.057	5.6 A
		7440-02-2-0	0.47	NA			1,1,2,2-Tetrachloroethane	79-34-6	0.057	5.6 A
		7440-38-2	0.79	NA			Tetrachloroethene	127-18-4	0.056	6.0 A
K085	MA	71-43-2	0.16 B	4.4 A	K096	MA	1,1,2-Trichloroethane	79-00-5	0.054	6.0 A
		108-90-7	0.057 B	4.4 A			1,1,2-Trichloroethane	79-01-6	0.054	6.0 A
		95-50-1	0.088 B	4.4 A			Trichloroethene (Trichloroethylene)	79-01-6	0.036	5.6 A
		m-Dichlorobenzene	0.090 B	4.4 A			Pentachloroethane	541-73-1	0.055	5.6 A
		106-46-7	0.055 B	4.4 A			1,2,4-Trichlorobenzene	120-82-1	0.055	19. A
		120-82-1	0.055 B	4.4 A			Hexachlorocyclopentadiene	77-47-4	0.057 B	2.4 A
		95-94-3	0.055 B	4.4 A			Chlordane	57-74-9	0.0033 B	0.26 A
		Pentachlorobenzene	0.013 B	0.92 A			Heptachlor	76-44-8	0.0012 B	0.066 A
		118-74-1	0.013 B	0.92 A			Heptachlor epoxide	1024-57-3	0.016 B	0.066 A
		12674-11-2	0.013 B	0.92 A			Toxaphene	8001-35-1	0.0095 B	2.6 A
		11104-28-2	0.013 B	0.92 A			2,4-Dichlorophenoxyacetic acid	94-75-7	1.0 A	1.0 A
		11141-16-5	0.013 B	0.92 A			Hexachlorodibenzo-p-dioxins	2,4-Dichlorophenoxyacetic acid	0.001 A	0.001 A
		53469-21-9	0.013 B	0.92 A			Hexachlorodibenzofurans	Hexachlorodibenzofurans	0.001 A	0.001 A
		Arroclor 1221	0.013 B	0.92 A			Pentachlorodibenzo-p-dioxins	Pentachlorodibenzo-p-dioxins	0.001 A	0.001 A
		Arroclor 1242	0.013 B	0.92 A			Tetrachlorodibenzo-p-dioxins	Tetrachlorodibenzo-p-dioxins	0.001 A	0.001 A
K086	Table A	11097-69-1	0.014 B	1.8 A	K100	Table A	Cadmium	7440-43-9	1.6	NA
		11096-82-5	0.014 B	1.8 A			Chromium (Total)	7440-47-32	0.32	NA
		67-64-1	0.28	160. A			Lead	7439-92-1	0.51	NA
		Acetophenone	0.010	9.7 A			o-Nitroaniline	7440-38-2	0.27 A	14. A
		Bis(2-ethylhexyl)phthalate	0.28 B	28. A			Arsenic	7440-43-9	0.24	NA
		n-Butyl alcohol	5.6	2.6 A			Cadmium	7439-92-1	0.17	NA
		85-68-7	0.017 B	7.9 A			Lead	7439-97-6	0.082	NA
		85-68-7	0.36	NA			Mercury	7440-38-2	0.028 A	13. A
		95-50-1	0.088	6.02 A			Arsenic	7440-38-2	0.27 A	14. A
		84-66-2	0.20 B	28. A			Chromium (Total)	7440-43-9	0.32	NA
		131-11-3	0.047 B	28. A			Lead	7439-92-1	0.51	NA
		84-74-2	0.057 B	28. A			o-Nitroaniline	7440-38-2	0.27 A	14. A
		DI-n-butyl phthalate	0.017 B	28. A			Arsenic	7440-43-9	0.24	NA
		Ethyl acetate	0.34 B	33. A			Cadmium	7439-92-1	0.51	NA
		Ethylbenzene	0.057 B	6.0 A			Lead	7439-97-6	0.082	NA

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Waste Code	Commercial Chemical Name	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastes	Concentration (mg/L) Nonwaste waters
K103	MA					
	Cadmium			7440-43-9	0.24	MA
	Lead			7439-92-1	0.17	MA
	Mercury			7439-97-6	0.082	MA
	Aniline			62-53-3	4.5	5.6 A
	Benzene			71-43-2	0.15	6.0 A
	2,4-Dinitrophenol			51-28-5	0.61	5.6 A
	Nitrobenzene			98-95-3	0.073	5.6 A
	Phenol			108-95-2	1.4	5.6 A
K104	MA					
	Aniline			62-53-3	4.5	5.6 A
	Benzene			71-43-2	0.15	6.0 A
	2,4-Dinitrophenol			51-28-5	0.61	5.6 A
	Nitrobenzene			98-95-3	0.073	5.6 A
	Phenol			108-95-2	1.4	5.6 A
	Cyanides (Total)			57-12-5	2.7	1.8 A
K105	MA					
	Benzene			71-43-2	0.14	4.4 A
	Chlorobenzene			108-90-7	0.057	4.4 A
	o-Dichlorobenzene			95-50-1	0.088	4.4 A
	p-Dichlorobenzene			106-46-7	0.090	4.4 A
	2,4,5-Trichlorophenol			95-95-4	0.18	4.4 A
	2,4,6-Trichlorophenol			88-06-2	0.035	4.4 A
	2-Chlorophenol			95-57-8	0.044	4.4 A
	Phenol			108-95-2	0.039	4.4 A
K106	Tables A & Mercury			7439-97-6	0.030	MA
K115	Table A	Nickel		7440-02-0	0.47	MA

— Treatment standards for this organic constituent were established based upon incineration in-unit operated in accordance with the technical requirements of 35 Ill. Adm. Code 726 Subpart C or 726 Subpart D, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.102.

— Based on analysis of composite samples.

R — As analyzed using EPA Method 9010; sample size: 0.5-10; distillation time: one hour to one hour and fifteen minutes.

MA — Not Applicable.

TABLE B (CCM): P AND U LISTED WASTES

Waste Code	Commercial Chemical Name	See Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/L) Wastes	Concentration (mg/L) Nonwaste waters
P004	Aldrin	MA	Aldrin	309-00-2	0.21 B	0.066 A
P010	Arsenic acid	Table A	Arsenic	7440-38-2	0.79	MA
P011	Arsenic pentoxide	Table A	Arsenic	7440-38-2	0.79	MA
P012	Arsenic trioxide	Table A	Arsenic	7440-38-2	0.79	MA
P013	Barium cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1

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P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	MA	2-sec-Butyl-4,6-di-nitrophenol (Dinoseb)	88-85-7	0.066	2.5 A
P021	Calcium cyanide	MA	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
P022	Carbon disulfide	Table D	Carbon disulfide	75-15-0	0.014	MA
P024	p-Chloroaniline	MA	p-Chloroaniline	106-47-8	0.46	16. A
P029	Copper cyanide	MA	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
P030	Cyanides (soluble salts and complexes)	MA	Cyanides (Total)	57-12-5	1.9	110.
P036	Dichlorophenyl-arsine	Table A	Arsenic	7440-38-2	0.1	9.1
P037	Dieldrin	MA	Dieldrin	60-57-1	0.017 B	0.13 A
P038	Diethylarsine	Table A	Arsenic	7440-38-2	0.79	MA
P039	Disulfoton	MA	Disulfoton	298-04-4	0.017	0.1 A
P047	4,6-Dinitro-o-cresol	MA	4,6-Dinitro-o-cresol	534-52-4	0.28 B	160. A
P048	2,4-Dinitro-phenol	MA	2,4-Dinitrophenol	51-28-5	0.12 B	160. A
P050	Endosulfan	MA	Endosulfan I	939-98-8	0.023 B	0.066 A
			Endosulfan II	33213-6-5	0.029 B	0.13 A
			Endosulfan sulfate	1031-07-8	0.029 B	0.13 A
P051	Endrin	MA	Endrin	72-20-8	0.0028 B	0.13 A
			Endrin aldehyde	7421-93-4	0.025 B	0.13 A
P056	Fluoride	Table D	Fluoride	16694-48-8	35.	MA
P059	Heptachlor	MA	Heptachlor	76-44-8	0.0012 B	0.066 A
			Heptachlor epoxide	1024-57-3	0.016 B	0.066 A
P060	Isodrin	MA	Isodrin	465-73-6	0.021 B	0.066 A
P063	Hydrogen cyanide	MA	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
P065	Mercury fulminate	Tables A & D	Mercury	7439-97-6	0.030	MA
P071	Methyl parathion	MA	Methyl parathion	298-00-0	0.025	0.1 A
P073	Nickel carbonyl	Table A	Nickel	7440-02-2-0	0.432	MA
P074	Nickel cyanide	Table A	Cyanides (Table Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.10	9.1
			Nickel	7440-02-2-0	0.44	MA
P077	p-Nitroaniline	MA	p-Nitroaniline	100-01-6	0.028 B	28. A

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P082	N-Nitrosodi-methylamine	Table D	N-Nitrosodimethyl-amine	62-75-9	MA	0.40 g	MA	U012	Aniline	MA	62-53-3	0.81	14. A
P089	Parathion	MA	Parathion	56-38-2	MA	0.025	MA	U018	Benz(a)-anthracene	MA	56-55-3	0.059 g	8.2 A
P092	Phenylmercury acetate	Tables A & D	Phenylmercury acetate	7439-97-6	MA	0.030	MA	U019	Benzene	MA	71-43-2	0.14 g	36. A
P094	Phorate	MA	Phorate	298-02-2	MA	0.025	MA	U022	Benzo(a)pyrene	MA	50-32-8	0.061 g	8.2 A
P097	Famphur	MA	Famphur	52-85-7	MA	0.025	MA	U024	Bis(2-chloro-ethoxy)methane	MA	111-91-1	0.036	7.2 A
P098	Potassium cyanide	MA	Cyanides (Total)	57-12-5	MA	1.9	110.	U025	Bis(2-chloro-ethyl) ether	MA	111-44-4	0.033	7.2 A
P099	Potassium silver cyanide	Table A	Cyanides (Amenable)	57-12-5	MA	0.10	9.1	U027	Bis(2-chloro-isopropyl) ether	MA	39638-32-9	0.055 g	7.2 A
P101	Ethyl cyanide (Propanenitrile)	MA	Cyanides (Total)	57-12-5	MA	1.9	110.	U028	Bis(2-ethyl-hexyl) phthalate	MA	117-81-7	0.54 A	28. A
P103	Selenourea	Table A	Ethyl cyanide (Propanenitrile)	107-12-0	MA	0.1	9.1	U029	Bromomethane (Methyl bromide)	MA	74-83-9	0.11 A	15. A
P104	Silver cyanide	Table A	Selenium	7782-49-2	MA	0.24 g	360. A	U030	4-Bromophenyl phenyl ether	MA	101-55-3	0.055 A	15. A
P106	Sodium cyanide	MA	Cyanides (Total)	57-12-5	MA	1.9	110.	U031	n-Butyl alcohol	MA	71-36-3	5.6	2.6 A
P110	Tetraethyl lead	Tables A & D	Cyanides (Amenable)	57-12-5	MA	0.10	9.1	U032	Calcium chromate	Table A	7440-47-32	0.32	NA
P113	Thallic oxide	Table D	Cyanides (Total)	57-12-5	MA	1.9	110.	U036	Chlordane (alpha and gamma)	MA	57-74-9	0.00033 g	0.13 A
P114	Thallium selenite	Table A	Cyanides (Amenable)	57-12-5	MA	0.10	9.1	U037	Chlorobenzene	MA	108-90-7	0.057 g	5.7 A
P115	Thallium (I) sulfate	Table D	Tables A & Lead	7439-92-1	MA	0.040	MA	U038	Chlorobenzilate	Table D	510-15-6	0.10 g	NA
P119	Ammonia vanadate	Table D	Thallium	7440-28-0	MA	0.14 g	MA	U039	p-Chloro-m-cresol	MA	59-50-7	0.018 g	14. A
P120	Vanadium pent-oxide	Table D	Selenium	7782-49-2	MA	1.0	MA	U042	2-Chloroethyl vinyl	Table D	110-75-8	0.057	NA
P121	Zinc cyanide	MA	Thallium	7440-28-0	MA	0.14 g	MA	U043	Vinyl chloride	MA	75-01-4	0.27 g	33. A
P123	Toxaphene	MA	Vanadium	7440-62-2	MA	28. g	MA	U044	Chloroform	MA	67-66-3	0.046 g	5.6 A
U002	Acetone	MA	Vanadium pent-oxide	7440-62-2	MA	28. g	MA	U045	Chloromethane (Methyl chloride)	MA	74-87-3	0.19 g	33. A
U003	Acetonitrile	Table D	Cyanides (Total)	57-12-5	MA	1.9	110.	U047	2-Chloronaphthalene	MA	91-58-7	0.055 g	5.6 A
U004	Acetophenone	MA	Cyanides (Amenable)	57-12-5	MA	0.10	9.1	U048	2-Chlorophenol	MA	95-57-8	0.044 g	5.7 A
U005	2-Acetylami-no-fluorene	MA	Toxaphene	8001-35-1	MA	0.0095 g	1.3 A	U050	Chrysene	MA	218-01-9	0.059 g	8.2 A
U009	Acrylonitrile	MA	Acetone	67-64-1	MA	0.28	160. A	U051	Creosote	Table A	91-20-3	0.031	1.5 A
			Acetonitrile	75-05-8	MA	0.17	MA 0.17				87-86-5	0.18	7.4 A
			Acetophenone	98-86-2	MA	0.010 A	9.7 A				85-01-8	0.031	1.5 A
			2-Acetylami-no-fluorene	53-96-3	MA	0.059 g	140. A				Pyrene	0.028	28-1.5 A
			Acrylonitrile	107-13-1	MA	0.24 A	84. A				129-00-0	0.028	3328. A
											108-88-3	0.032	NA 33. A

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U052	Cresols (Cresylic acid)	MA	Lead	7439-92-1	NA	0.037	NA	U082	2,6-Dichloro-phenol	MA	2,6-Dichlorophenol	87-65-0	0.044	14. MA
			o-Cresol	95-48-7	MA	0.11	5.6 A	U083	1,2-Dichloro-propane	MA	1,2-Dichloropropane	78-87-5	0.85	18. MA
			Cresols (m- and p-isomers)		MA	0.77	3.2 A	U084	1,3-Dichloro-propene	MA	cis-1,3-Dichloro-propylene trans-1,3-Dichloro-propylene	10061-01-5 10061-02-6	0.036	18. MA
U057	Cyclohexanone	Table D	Cyclohexanone	108-94-1	MA	0.36		U088	Diethyl phthalate	MA	Diethyl phthalate	84-8466-2	0.54	28. MA
U060	DDD	MA	o,p'-DDD p,p'-DDD	53-19-0 72-54-8	MA	0.023 0.023	0.087 0.087	U093	p-Dimethylamino-azobenzene	Table D	p-Dimethylaminoazo-benzene	60-11-7	0.13	NA
U061	DDT	MA	o,p'-DDT p,p'-DDT o,p'-DDD p,p'-DDD o,p'-DDE p,p'-DDE	789-02-6 50-29-3 53-19-0 72-54-8 3426-82-6 72-55-9	MA	0.0039 0.0039 0.023 0.023 0.031 0.031	0.087 0.087 0.087 0.087 0.087 0.087	U101	2,4-Dimethyl-phenol	MA	2,4-Dimethylphenol	105-67-9	0.036	14. MA
U063	Dibenzo(a,h)anthracene	MA	Dibenzo(a,h)-anthracene	53-70-3	MA	0.055	8.2 A	U102	Dimethyl phthalate	MA	Dimethyl phthalate	131-11-3	0.54	28. MA
U066	1,2-Dibromo-3-chloropropane	MA	1,2-Dibromo-3-chloropropane	96-12-8	MA	0.11	15. A	U105	2,4-Dinitro-toluene	MA	2,4-Dinitrotoluene	121-14-2	0.32	140. MA
U067	1,2-Dibromo-ethane (Ethylene dibromide)	MA	1,2-Dibromoethane (Ethylene dibromide)	106-93-4	MA	0.028	15. A	U106	2,6-Dinitro-toluene	MA	2,6-Dinitrotoluene	606-20-2	0.55	28. MA
U068	Dibromomethane	MA	Dibromomethane	74-95-3	MA	0.11	15. A	U107	Di-n-octyl phthalate	MA	Di-n-octyl phthalate	117-84-0	0.54	28. MA
U069	Di-n-butyl phthalate	MA	Di-n-butyl phthalate	84-74-2	MA	0.54	28. A	U108	1,4-Dioxane	MA	1,4-Dioxane	123-91-1	0.12	170. MA
U070	o-Dichloro-benzene	MA	o-Dichlorobenzene	95-50-1	MA	0.088	6.2 A	U111	Di-n-propyl-nitrosoamine	MA	Di-n-propylnitroso-amine	621-64-7	0.40	14. MA
U071	m-Dichloro-benzene	MA	m-Dichlorobenzene	541-73-1	MA	0.036	6.2 A	U112	Ethyl acetate	MA	Ethyl acetate	141-78-6	0.34	33. MA
U072	p-Dichloro-benzene	MA	p-Dichlorobenzene	104-46-7	MA	0.090	6.2 A	U117	Ethyl ether	MA	Ethyl ether	60-29-7	0.12	160. MA
U075	Dichloro-difluoromethane	MA	Dichlorodifluoro-methane	75-71-8	MA	0.23	7.2 A	U118	Ethyl methacrylate	MA	Ethyl methacrylate	97-63-2	0.14	160. MA
U076	1,1-Dichloro-ethane	MA	1,1-Dichloroethane	75-34-3	MA	0.059	7.2 A	U120	Fluoranthene	MA	Fluoranthene	206-44-0	0.068	8.2 MA
U077	1,2-Dichloro-ethane	MA	1,2-Dichloroethane	107-06-2	MA	0.21	7.2 A	U121	Trichloro-monofluoro-methane	MA	Trichloro-monofluoromethane	75-69-4	0.020	33. MA
U078	1,1-Dichloro-ethylene	MA	1,1-Dichloroethylene	75-35-4	MA	0.025	33. A	U127	Hexachloro-benzene	MA	Hexachlorobenzene	118-74-1	0.055	37. MA
U079	1,2-Dichloro-ethylene	MA	trans-1,2-Dichloroethylene	156-60-5	MA	0.054	33. MA	U128	Hexachlorobuta-diene	MA	Hexachlorobutadiene	87-68-3	0.055	28. MA
U080	Methylene chloride	MA	Methylene chloride	75-08-2	MA	0.089	33. MA	U129	Lindane	MA	alpha-BHC beta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.04466 0.04466 0.04466 0.04466
U081	2,4-Dichloro-phenol	MA	2,4-Dichlorophenol	120-83-2	MA	0.044	14. MA	U130	Hexachlorocyclo-pentadiene	MA	Hexachlorocyclo-pentadiene	77-47-7	0.057	3.6 MA
								U131	Hexachloroethane	MA	Hexachloroethane	67-72-1	0.055	28. MA

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U052	Cresols (Cresylic acid)	MA	Lead	7439-92-1	NA	0.037	NA	U082	2,6-Dichloro-phenol	MA	2,6-Dichlorophenol	87-65-0	0.044	14. MA
			o-Cresol	95-48-7	MA	0.11	5.6 A	U083	1,2-Dichloro-propane	MA	1,2-Dichloropropane	78-87-5	0.85	18. MA
			Cresols (m- and p-isomers)		MA	0.77	3.2 A	U084	1,3-Dichloro-propene	MA	cis-1,3-Dichloro-propylene trans-1,3-Dichloro-propylene	10061-01-5 10061-02-6	0.036	18. MA
U057	Cyclohexanone	Table D	Cyclohexanone	108-94-1	MA	0.36		U088	Diethyl phthalate	MA	Diethyl phthalate	84-8466-2	0.54	28. MA
U060	DDD	MA	o,p'-DDD p,p'-DDD	53-19-0 72-54-8	MA	0.023 0.023	0.087 0.087	U093	p-Dimethylamino-azobenzene	Table D	p-Dimethylaminoazo-benzene	60-11-7	0.13	NA
U061	DDT	MA	o,p'-DDT p,p'-DDT o,p'-DDD p,p'-DDD o,p'-DDE p,p'-DDE	789-02-6 50-29-3 53-19-0 72-54-8 3426-82-6 72-55-9	MA	0.0039 0.0039 0.023 0.023 0.031 0.031	0.087 0.087 0.087 0.087 0.087 0.087	U101	2,4-Dimethyl-phenol	MA	2,4-Dimethylphenol	105-67-9	0.036	14. MA
U063	Dibenzo(a,h)anthracene	MA	Dibenzo(a,h)-anthracene	53-70-3	MA	0.055	8.2 A	U102	Dimethyl phthalate	MA	Dimethyl phthalate	131-11-3	0.54	28. MA
U066	1,2-Dibromo-3-chloropropane	MA	1,2-Dibromo-3-chloropropane	96-12-8	MA	0.11	15. A	U105	2,4-Dinitro-toluene	MA	2,4-Dinitrotoluene	121-14-2	0.32	140. MA
U067	1,2-Dibromo-ethane (Ethylene dibromide)	MA	1,2-Dibromoethane (Ethylene dibromide)	106-93-4	MA	0.028	15. A	U106	2,6-Dinitro-toluene	MA	2,6-Dinitrotoluene	606-20-2	0.55	28. MA
U068	Dibromomethane	MA	Dibromomethane	74-95-3	MA	0.11	15. A	U107	Di-n-octyl phthalate	MA	Di-n-octyl phthalate	117-84-0	0.54	28. MA
U069	Di-n-butyl phthalate	MA	Di-n-butyl phthalate	84-74-2	MA	0.54	28. A	U108	1,4-Dioxane	MA	1,4-Dioxane	123-91-1	0.12	170. MA
U070	o-Dichloro-benzene	MA	o-Dichlorobenzene	95-50-1	MA	0.088	6.2 A	U111	Di-n-propyl-nitrosoamine	MA	Di-n-propylnitroso-amine	621-64-7	0.40	14. MA
U071	m-Dichloro-benzene	MA	m-Dichlorobenzene	541-73-1	MA	0.036	6.2 A	U112	Ethyl acetate	MA	Ethyl acetate	141-78-6	0.34	33. MA
U072	p-Dichloro-benzene	MA	p-Dichlorobenzene	104-46-7	MA	0.090	6.2 A	U117	Ethyl ether	MA	Ethyl ether	60-29-7	0.12	160. MA
U075	Dichloro-difluoromethane	MA	Dichlorodifluoro-methane	75-71-8	MA	0.23	7.2 A	U118	Ethyl methacrylate	MA	Ethyl methacrylate	97-63-2	0.14	160. MA
U076	1,1-Dichloro-ethane	MA	1,1-Dichloroethane	75-34-3	MA	0.059	7.2 A	U120	Fluoranthene	MA	Fluoranthene	206-44-0	0.068	8.2 MA
U077	1,2-Dichloro-ethane	MA	1,2-Dichloroethane	107-06-2	MA	0.21	7.2 A	U121	Trichloro-monofluoro-methane	MA	Trichloro-monofluoromethane	75-69-4	0.020	33. MA
U078	1,1-Dichloro-ethylene	MA	1,1-Dichloroethylene	75-35-4	MA	0.025	33. A	U127	Hexachloro-benzene	MA	Hexachlorobenzene	118-74-1	0.055	37. MA
U079	1,2-Dichloro-ethylene	MA	trans-1,2-Dichloroethylene	156-60-5	MA	0.054	33. MA	U128	Hexachlorobuta-diene	MA	Hexachlorobutadiene	87-68-3	0.055	28. MA
U080	Methylene chloride	MA	Methylene chloride	75-08-2	MA	0.089	33. MA	U129	Lindane	MA	alpha-BHC beta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.04466 0.04466 0.04466 0.04466
U081	2,4-Dichloro-phenol	MA	2,4-Dichlorophenol	120-83-2	MA	0.044	14. MA	U130	Hexachlorocyclo-pentadiene	MA	Hexachlorocyclo-pentadiene	77-47-7	0.057	3.6 MA
								U131	Hexachloroethane	MA	Hexachloroethane	67-72-1	0.055	28. MA

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U134	Hydrogen fluoride	Table D	Fluoride	16964-48-8	35.	MA	U180	N-Nitroso-pyrrolidine	MA	930-55-2	0.013 μ g	35. μ A
U136	Cacodylic acid	Table A	Arsenic	7440-38-2	0.79	MA	U181	5-Nitro-o-toluidine	MA	99-55-8	0.32 μ g	28. μ A
U137	Indeno(1,2,3-c,d)pyrene	MA	Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055 μ g	8.2 μ A	U183	Pentachlorobenzene	MA	608-93-5	0.055 μ g	37. μ A
U138	Iodomethane	MA	Iodomethane	74-88-4	0.19 μ g	65. μ A	U185	Pentachloronitrobenzene	MA	82-68-8	0.055 μ g	4.8 μ A
U140	Isobutyl alcohol	MA	Isobutyl alcohol	78-83-1	5.6	170. μ A	U187	Phenacetin	MA	62-44-2	0.081	16. μ A
U141	Isosafrole	MA	Isosafrole	120-58-1	0.081	2.6 μ A	U188	Phenol	MA	108-95-2	0.039	6.2 μ A
U142	Kepone	MA	Kepone	143-50-8	0.0011	0.13 μ A	U190	Phthalic anhydride (measured as Phthalic acid)	MA	85-44-9	0.54 μ A	28. μ A
U144	Lead acetate	Table A	Lead	7439-92-1	0.040	MA	U192	Pronamide	MA	23950-58-5	0.093	1.5 μ A
U145	Lead phosphate	Table A	Lead	7439-92-1	0.040	MA	U196	Pyridine	MA	110-86-1	0.014 μ g	16. μ A
U146	Lead subacetate	Table A	Lead	7439-92-1	0.040	MA	U203	Safrole	MA	94-59-7	0.04081	22. μ A
U151	Mercury	Tables A & D	Mercury	7439-97-6	0.030	MA	U204	Selenium dioxide	Table A	7782-49-2	1.0	MA
U152	Methacrylonitrile	MA	Methacrylonitrile	126-98-7	0.24 μ g	84. μ A	U205	Selenium sulfide	Table A	7782-49-2	1.0	MA
U154	Methanol	MA	Methanol	67-56-1	5.6	MA	U207	1,2,4,5-Tetrachlorobenzene	MA	95-94-3	0.055 μ g	19. μ A
U155	Methacrylonitrile	MA	Methacrylonitrile	91-80-5	0.081	1.5 μ A	U208	1,1,1,2-Tetrachloroethane	MA	630-20-6	0.057	42. μ A
U157	3-Methylcholanthrene	MA	3-Methylcholanthrene	56-49-5	0.0055 μ g	15. μ A	U209	1,1,2,2-Tetrachloroethane	MA	79-34-5	0.057 μ g	42. μ A
U158	4,4'-Methylenebis(2-chloroaniline)	MA	Methylenebis(2-chloroaniline)	101-14-4	0.50 μ g	35. μ A	U210	Tetrachloroethylene	MA	127-18-4	0.056 μ g	5.6 μ A
U159	Methyl ethyl ketone	MA	Methyl ethyl ketone	78-93-3	0.28	36. μ A	U211	Carbon tetrachloride	MA	56-583-5	0.057 μ g	5.6 μ A
U161	Methyl isobutyl ketone	MA	Methyl isobutyl ketone	108-10-1	0.14	33. μ A	U214	Thallium (I) acetate	Table D	7440-28-0	0.14 μ g	MA
U162	Methyl methacrylate	MA	Methyl methacrylate	80-62-6	0.14	160. μ A	U215	Thallium (I) carbonate	Table D	7440-28-0	0.14 μ g	MA
U165	Naphthalene	MA	Naphthalene	91-20-3	0.059 μ g	3.1 μ A	U216	Thallium (I) chloride	Table D	7440-28-0	0.14 μ g	MA
U168	2-Naphthylamine	Table D	2-Naphthylamine	91-59-8	0.52 μ g	MA	U217	Thallium (I) nitrate	Table D	7440-28-0	0.14 μ g	MA
U169	Nitrobenzene	MA	Nitrobenzene	98-95-3	0.068 μ g	14. μ A	U220	Toluene	MA	108-88-3	0.080 μ g	28. μ A
U170	4-Nitrophenol	MA	4-Nitrophenol	100-02-7	0.12 μ g	29. μ A	U225	Trichloromethane (Bromoform)	MA	75-25-2	0.63 μ g	15. μ A
U172	N-Nitrosodimethylamine	MA	N-Nitrosodimethylamine	924-16-3	0.40 μ g	17. μ A	U226	1,1,1-Trichloroethane	MA	71-55-6	0.054 μ g	5.6 μ A
U174	N-Nitrosodimethylamine	MA	N-Nitrosodimethylamine	55-18-5	0.40 μ g	28. μ A						
U179	N-Nitrosopiperidine	MA	N-Nitrosopiperidine	100-75-4	0.013 μ g	35. μ A						

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U227	1,1,2-Trichloro-ethane	MA	1,1,2-Trichloro-ethane	79-00-5	0.054 %g	5.6 %A
U228	Trichloro-ethylene	MA	Trichloroethylene	79-01-6	0.054 %g	5.6 %A
U235	tris-(2,3-dibromopropyl)-phosphate	MA	tris-(2,3-dibromopropyl)-phosphate	126-72-7	0.025	0.10 %A
U239	Xylenes	MA	Xylene	6	0.32 %g	28. %A
U240	2,4-Dichloro-phenoxyacetic acid	MA	2,4-Dichloro-phenoxyacetic acid	94-75-7	0.72	10. %A
U243	Hexachloro-propene	MA	Hexachloropropene	10001888-71-7	0.005035 %g	28.
U247	Methoxychlor	MA	Methoxychlor	72-43-5	0.25 %g	0.18 %A
MA	Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724, Subpart 00 or 725, Subpart 00, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.					

%g Based on analysis of composite samples.

%g As analyzed using SW-846 Method 9010 or 9012; sample size: 0.45-1010 g; distillation time: one hour to one hour and fifteen minutes.

D Reserved.

MA Not Applicable.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728. Table C Technology Codes and Description of Technology-Based Standards

Technology code Description of technology-based standard

ADGAS Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing valves/piping; physical penetration of the container; and/or penetration through detonation.

AMLGM Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

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BIODG
Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

CARBN
Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, and/or organic constituents, operated such that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., Total Organic Carbon can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

CHOXD
Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents:

- 1) Hypochlorite (e.g. bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permangantes; and/or
- 9) other oxidizing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator

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parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) Sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; and/or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Halogens can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, and/or reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories

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(e.g., High or Low Mercury Subcategories).

INCIN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O.

LLEXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery/reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g. resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Acids;
- 2) bases; or
- 3) water (including wastewaters) resulting in a pH greater than 2 but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) Lime (i.e., containing oxides and/or hydroxides of calcium and/or magnesium;
- 2) caustic (i.e., sodium and/or potassium hydroxides;

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- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or

7) sodium sulfate. Additional flocculating, coagulation, or similar reagents/processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of Beryllium.

RCGAS Recovery/reuse of compressed gases including techniques such as reprocessing of the gases for reuse/resale; filtering/adsorption of impurities; remixing for direct reuse efor resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

- 1) Distillation (i.e., thermal concentration);
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; and/or
- 5) incineration for the recovery of acid--

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A National Emissions Standard for Hazardous Air Pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);

- b) A Best Available Control Technology (BACT) or a Lowest Achievable Emission Rate (LAER) standard for mercury imposed pursuant to a Prevention of Significant Deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories).

RMETL

Recovery of metals or inorganics utilizing one or more of the following direct physical/removal technologies:

- 1) Ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation/solvent extraction;
- 5) freeze crystallization;
- 6) ultrafiltration; and/or 6--
- 7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGs

Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;

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- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation/crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals);

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM

Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnaces".

RZINC

Resmelting in high temperature metal recovery units for the purpose of recovery of zinc high-temperature-metal recovery-units.

STABL

Stabilization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Portland cement; or
- 2) lime/pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set/cure time and/or compressive strength, or to overall reduce the leachability of the metal or inorganic.

SSTRP

Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other

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recovery/reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX

Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX

Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic/ignitable levels of gases released during the reaction.

Note 1:

When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table D by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2:

When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728. Table D Technology-Based Standards by RCRA Waste Code

Waste See Codes Also	CAS No.	Technolo- gy Code,	Waste- Nonwaste- waters	Techno- gy Code, and/or Treatment Subcategory
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D001	NA	NA	DEACT	NA	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a) (1)-wastewaters
D001	NA	NA	DEACT	NA	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a) (1)-Low TOC
D001	NA	NA	DEACT	NA	Ignitable Liquids Subcategory--Less than 10% total organic carbon
D001	NA	NA	NA	FSUBS; RORGS; or INCIN	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a) (1)-High TOC
D001	NA	NA	NA	DEACT** B	Ignitable compressed gases based on 35 Ill. Adm. Code 721.121(a) (3)
D001	NA	NA	DEACT	DEACT	Ignitable reactives based on 35 Ill. Adm. Code 721.121(a) (2)
D001	NA	NA	DEACT	DEACT	Oxidizers based on 35 Ill. Adm. Code 721.121(a) (4)
D002	NA	NA	DEACT	DEACT	Acid subcategory based on 35 Ill. Adm. Code 721.122(a) (1)
D002	NA	NA	DEACT	DEACT	Alkaline subcategory based on 35 Ill. Adm. Code 721.122(a) (1)

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D002	NA	NA	DEACT	DEACT	Other corrosives based on 35 Ill. Adm. Code 721.122(a) (2)
D003	NA	NA	DEACT (may not be diluted)	DEACT (may not be diluted)	Reactive sulfides based on 35 Ill. Adm. Code 721.123(a) (5)
D003	NA	NA	DEACT	DEACT	Explosives based on 35 Ill. Adm. Code 721.123(a) (6), (7) and (8)
D003	NA	NA	NA	DEACT	Water reactives based on 35 Ill. Adm. Code 721.123(a) (2), (3) and (4)
D003	NA	NA	DEACT	DEACT	Other reactives based on 35 Ill. Adm. Code 721.123(a) (1)
D006	NA	7440-43-9	NA	R THERM	Cadmium-containing batteries
D008	NA	7439-8297-1	NA	R LEAD	Lead acid batteries (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal re-strictions of this part or exempted under other regula-tions (see 35 Ill. Adm. Code 726.180).)

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D009	Tables A & B	7439-897-6 NA	IMERC; or Mercury RMERC	(High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--contains mercury and organics (and are not incin- erator residues))
D009	Tables A & B	7439-897-6 NA	RMERC	Mercury: (High Mercury Subcategory--greater than or equal to 260 mg/kg total Mercury--inorganics (including incinerator residues and residues from RMERC))
D012	Table B	72-20-8	BIODG; or NA INCIN	Endrin
D013	Table B	58-89-9	CARB; or NA INCIN	Lindane
D014	Table B	72-43-65	WETOX; or NA INCIN	Methoxychlor
D015	Table B	8001-35-1	BIODG; or NA INCIN	Toxaphene
D016	Table B	94-75-7	CHOXD; or BIODG; or INCIN	2,4-D
D017	Table B	93-72-1	CHOXD; or NA INCIN	2,4,5-TP
F005	Tables A & B	79-46-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Nitropropane
F005	Tables A & B	110-80-5	BIODG; or INCIN INCIN	2-Ethoxyethanol

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F024	Tables A & B	NA	INCIN	INCIN	-----
K025	NA	NA	LLEXT fb SSTRIP fb CARBN; or INCIN	INCIN	Distillation bottoms from the production of nitrobenzene by the nitration of benzene
K026	NA	NA	INCIN	INCIN	Stripping still tails from the pro- duction of methyl ethyl pyridines
K027	NA	NA	CARB; or FSUBS; or INCIN	INCIN	Centrifuge and distillation residues from toluene diisocyanate production
K039	NA	NA	CARB; or FSUBS; or INCIN	INCIN	Filter cake from the filtration of di- ethylphosphoro- dithioic acid in the production of phos- phate
K044	NA	NA	DEACT	DEACT	Wastewater treatment sludges from the manufacturing and processing of explosives
K045	NA	NA	DEACT	DEACT	Spent carbon from the treatment of wastewater con- taining explosives
K047	NA	NA	DEACT	DEACT	pink/red water from TNT operations
K061	Table-B	NA	NA	NLDBR	Emission-control dust/sludge from the primary production of steel in electric furnaces (High zinc Subcategory--greater than or equal to 15% total zinc)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K069	Tables A & B	NA	NA	RLEAD	Emission control dust/sludge from secondary lead smelting: Non-Calcium Sulfate Sub-category
K106	Tables A & B	NA	NA	RMERC	Wastewater treatment sludge from the mercury cell process in chlorine production: (High Mercury Subcategory-greater than or equal to 260 mg/kg total mercury)
K113	NA	NA	CARBEN; or INCIN	or FSUBS; or INCIN	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene
K114	NA	NA	CARBEN; or INCIN	or FSUBS; or INCIN	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene
K115	NA	NA	CARBEN; or INCIN	or FSUBS; or INCIN	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene
K116	NA	NA	CARBEN; or INCIN	or FSUBS; or INCIN	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P001	NA	81-81-2	(WETOX or FSUBS; or CHOXD) fb INCIN	or Warfarin (>0.3%) CARBN; or INCIN
P002	NA	591-08-2	(WETOX or CHOXD) fb CARBN; or INCIN	1-Acetyl-2-thiourea
P003	NA	107-02-8	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or Acrolein
P005	NA	107-18-6	(WETOX or CHOXD) fb CARBN; or INCIN	or Allyl alcohol
P006	NA	20859-73-8	CHOXD; CHRED; or INCIN	Aluminum phosphide
P007	NA	2763-96-4	(WETOX or CHOXD) fb CARBN; or INCIN	5-Aminoethyl 3-isoxazolol
P008	NA	504-24-5	(WETOX or CHOXD) fb CARBN; or INCIN	4-Aminopyridine
P009	NA	131-74-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	Ammonium picrate
P014	NA	108-95-5	(WETOX or CHOXD) fb CARBN; or INCIN	Thiophenol (Benzene thiol)
P015	NA	7440-41-7	NARMETL or RTHRM	or Beryllium dust

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P016	NA	542-88-1	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Bis(chloromethyl)- ether	
P017	NA	598-31-2	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Bromoacetone	
P018	NA	357-57-3	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Brucine	
P022	Table B	75-15-0	NA	Carbon disulfide	
P023	NA	107-20-0	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Chloroacetaldehyde	
P026	NA	5344-82-1	(WETOX or INCIN CHOXD) fb CARN; or INCIN	1-(o-Chlorophenyl)- thiourea	
P027	NA	542-76-7	(WETOX or INCIN CHOXD) fb CARN; or INCIN	3-Chloropropio- nitrile	
P028	NA	100-44-7	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Benzyl chloride	
P031	NA	460-19-5	CHOXD; or WETOX; or INCIN	Cyanogen	
P033	NA	506-77-4	CHOXD; or WETOX; or INCIN	Cyanogen chloride	
P034	NA	131-89-5	(WETOX or INCIN CHOXD) fb CARN; or INCIN	2-Cyclohexyl-4,6-di- nitrophenol	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P040	NA	297-97-2	CARN; or FSUBS; or INCIN INCIN	O,O-Diethyl O- pyrazinyl phosphoro- thioate	
P041	NA	311-45-5	CARN; or FSUBS; or INCIN INCIN	Diethyl-p-nitro- phenyl phosphate	
P042	NA	51-43-4	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Epinephrine	
P043	NA	55-91-4	CARN; or FSUBS; or INCIN INCIN	Diisopropylfluoro- phosphate (DFP)	
P044	NA	60-51-5	CARN; or FSUBS; or INCIN INCIN	Dimethoate	
P045	NA	39196-18-4	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Thiofanox	
P046	NA	122-09-8	(WETOX or INCIN CHOXD) fb CARN; or INCIN	alpha,alpha-Di- methylphenethylamine	
P047	NA	534-52-1	(WETOX or INCIN CHOXD) fb CARN; or INCIN	4,6-Dinitro-o-cresol salts	
P049	NA	541-53-7	(WETOX or INCIN CHOXD) fb CARN; or INCIN	2,4-Dithiobiuret	
P054	NA	151-56-4	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Aziridine	
P056	Table B	7782-41-4	NA	ADGAS fb NEUTR	Fluorine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P057	NA	640-19-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Fluoroacetamide	
P058	NA	62-74-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Fluoroacetic acid, sodium salt	
P062	NA	757-58-4	CARBN; or FSUBS or INCIN INCIN	Hexaethyltetra- phosphate	
P064	NA	624-83-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Isocyanic acid, ethyl ester	
P065	Tables A & B	628-86-4	NA	Mercury fulminate: (High Mercury Sub- category--greater than or equal to 260 mg/kg total Mercury--either in- cinerator residues or residues from RMERC)	RMERC
P065	Tables A & B	628-86-4	NA	Mercury fulminate: (All nonwastewaters that are not incinerator residues or are not residues from RMERC; regard- less of Mercury Content)	IMERC
P066	NA	16752-77-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Methomyl	
P067	NA	75-55-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Methylaziridine	

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P068	NA	60-34-4	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; OR INCIN	Methyl hydrazine
P069	NA	75-86-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN		Methyl lactonitrile
P070	NA	116-06-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN		Aldicarb
P072	NA	86-88-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN		1-Naphthyl-2-thio- urea
P075	NA	54-11-5* A	(WETOX or INCIN CHOXD) fb CARBN; or INCIN		Nicotine and salts
P076	NA	10102-43-9	ADGAS	ADGAS	Nitric oxide
P078	NA	10102-44-0	ADGAS	ADGAS	Nitrogen dioxide
P081	NA	55-63-0	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Nitroglycerin
P082	Table B	6562-75-9	NA	INCIN	N-Nitrosodimethyl- amine
P084	NA	4549-40-0	(WETOX or INCIN CHOXD) fb CARBN; or INCIN		N-Nitrosomethyl- vinylamine
P085	NA	152-16-9	CARBN; or INCIN	FSUBS; or INCIN	Octamethylpyro- phosphoramide
P087	NA	20816-12-0	NA RMETL; or RTHRM	RMETL; or RTHRM	Osmium tetroxide

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P088	NA	145-73-3	(WETOX or FSUBS; or Endothall CHOXD) fb INCIN CARN; or INCIN	
P092	Tables A & B	62-38-4	NA	RMERC Phenyl mercury acetate: (High Mercury Sub-category--greater than or equal to 260 mg/kg total Mercury--either incinerator residues or residues from RMERC)
P092	Tables A & B	62-38-4	NA	IMERC; or Phenyl mercury acetate: (All nonwastewaters that are not incinerator residues and are not residues from RMERC: regardless of Mercury Content)
P093	NA	103-85-5	(WETOX or INCIN CHOXD) fb CARN; or INCIN	N-Phenylthiourea
P095	NA	75-44-5	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Phosgene
P096	NA	7803-51-2	CHOXD; CHRED; or INCIN	Phosphine
P102	NA	107-19-7	(WETOX or FSUBS; or CHOXD) fb CARN; or INCIN	or Propargyl alcohol
P105	NA	26628-22-8	CHOXD; CHRED; CARN; BIODG; or INCIN	Sodium azide

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P108	NA	57-24-9* A	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Strychnine and salts
P109	NA	3689-24-5	CARN; or FSUBS; or INCIN	Tetraethylthio- pyrophosphate
P112	NA	509-14-8	CHOXD; CHRED; CARN; BIODG; or INCIN	Tetranitromethane
P113	Table B	1314-32-5	NA	RTHRM; or Thallic oxide STABL
P115	Table B	7446-18-6	NA	RTHRM; or Thallium (I) sulfate STABL
P116	NA	79-19-6	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Thiosemicarbazide
P118	NA	75-70-7	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Trichloromethane-thiol
P119	Table B	7803-55-6	NA	STABL Ammonium vanadate
P120	Table B	1314-62-1	NA	STABL Vanadium pentoxide
P122	NA	1314-84-7	CHOXD; CHRED; or INCIN	Zinc Phosphide (<=10%)
U001	NA	75-07-0	(WETOX or FSUBS; or CHOXD) fb CARN; or INCIN	Acetaldehyde
U003	Table B	75-05-8	NA	INCIN Acetonitrile
U006	NA	75-36-5	(WETOX or INCIN CHOXD) fb CARN; or INCIN	Acetyl chloride

POLLUTION CONTROL BOARD			POLLUTION CONTROL BOARD		
NOTICE OF PROPOSED AMENDMENTS			NOTICE OF PROPOSED AMENDMENTS		
U007	NA	79-06-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Acrylamide	
U008	NA	79-10-7	(WETOX or FSUBS; or INCIN CHOXD) fb CARBN; or INCIN	Acrylic acid	
U010	NA	50-07-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Mitomycin C	
U011	NA	61-82-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Amitrole	
U014	NA	492-80-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Auramine	
U015	NA	115-02-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Azaserine	
U016	NA	225-51-4	(WETOX or FSUBS; or INCIN CHOXD) fb CARBN; or INCIN	Benz(c)acridine	
U017	NA	98-87-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzal chloride	
U020	NA	98-09-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzenesulfonyl chloride	
U021	NA	92-87-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Benzidine	
U023	NA	98-07-7	CHOXD; FSUBS; CHRED; or BIODG; or INCIN	Benzotrichloride	
U026	NA	494-03-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Chlornaphazin	
U033	NA	353-50-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Carbonyl fluoride	
U034	NA	75-87-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Trichloro-acetaldehyde (Chloral)	
U035	NA	305-03-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Chlorambucil	
U038	Table B	510-15-6	NA	Chlorobenzilate	
U041	NA	106-89-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1-Chloro-2,3-epoxypropane (Epichlorohydrin)	
U042	Table B	110-75-8	NA	2-Chloroethyl vinyl ether	
U046	NA	107-30-2	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Chloromethyl methyl ether	
U049	NA	3165-93-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	4-Chloro-o-toluidine hydrochloride	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U053	NA	4170-30-3	(WETOX or FSUBS; or Crotonaldehyde CHOXD) fb INCIN CARBN; or INCIN
U055	NA	98-82-8	(WETOX or FSUBS; or Cumene CHOXD) fb INCIN CARBN; or INCIN
U056	NA	110-82-7	(WETOX or FSUBS; or Cyclohexane CHOXD) fb INCIN CARBN; or INCIN
U057	Table B	108-94-1	NA FSUBS; or Cyclohexanone INCIN
U058	NA	50-18-0	CARBN; or FSUBS; or Cyclophosphamide INCIN
U059	NA	20830-81-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
U062	NA	2303-16-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
U064	NA	189-55-9	(WETOX or FSUBS; or 1,2,7,8-Dibenzo-pyrene CHOXD) fb INCIN CARBN; or INCIN
U073	NA	91-94-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
U074	NA	1476-11-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
			cis-1,4-Dichloro-2-butene; trans-1,4-Dichloro-2-butene
			3,3'-Dichlorobenzidine
			3,3'-Dimethoxybenzidine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U085	NA	1464-53-5	(WETOX or FSUBS; or 1,2:3,4-Diepoxybutane CHOXD) fb INCIN CARBN; or INCIN
U086	NA	1615-80-1	FSUBS; CHOXD; CHRED; or CARBN; or BIODG; or INCIN
			N,N-Diethylhydrazine
U087	NA	3288-58-2	CARBN; or FSUBS; or O,O-Diethyl S-methyldithio-phosphate INCIN
U089	NA	56-53-1	(WETOX or FSUBS; or Diethyl stilbestrol CHOXD) fb INCIN CARBN; or INCIN
U090	NA	94-58-6	(WETOX or FSUBS; or Dihydrosafrole CHOXD) fb INCIN CARBN; or INCIN
U091	NA	119-90-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
			3,3'-Dimethoxybenzidine
U092	NA	124-40-3	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
			Dimethylamine
U093	Table B	621-90-9	NA INCIN
			p-Dimethylaminoazobenzene
U094	NA	57-97-6	(WETOX or FSUBS; or 7,12-Dimethylbenz-CHOXD) fb INCIN CARBN; or INCIN
			(a)anthracene
U095	NA	119-93-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN
			3,3'-Dimethylbenzidine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U096	NA	80-15-9	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN	alpha, alpha-Dimethyl-benzyl hydroperoxide
U097	NA	79-44-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Dimethylcarbamoyl chloride
U098	NA	57-14-7	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN	1,1-Dimethyl- hydrazine
U099	NA	540-73-8	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN	1,2-Dimethyl- hydrazine
U103	NA	77-78-1	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN	Dimethyl sulfate
U109	NA	122-66-7	CHOXD; FSUBS; CHRED; CHOXD; CARBN; CHRED; or BIODG; or INCIN	1,2-Diphenyl- hydrazine
U110	NA	142-84-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Dipropylamine
U113	NA	140-88-5	(WETOX or FSUBS; CHOXD) fb INCIN CARBN; or INCIN	Ethyl acrylate
U114	NA	111-54-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Ethylenebis(dithio- carbamic acid

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U115	NA	75-21-8	(WETOX or CHOXD; or CHOXD) fb INCIN CARBN; or INCIN	Ethylene oxide
U116	NA	96-45-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Ethylene thiourea
U119	NA	62-50-0	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Ethyl methane- sulfonate
U122	NA	50-00-0	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Formaldehyde
U123	NA	64-18-6	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Formic acid
U124	NA	110-00-9	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Furan
U125	NA	98-01-1	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Furfural
U126	NA	765-34-4	(WETOX or FSUBS; or CHOXD) fb INCIN CARBN; or INCIN	Glycidylaldehyde
U132	NA	70-30-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Hexachlorophene

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U133	NA	302-01-2	CHOXD; CHRED; CARBN; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Hydrazine
U134	Table B 7664-39-3	NA	ADGAS fb NEUTR; or NEUTR		Hydrogen Fluoride
U135	NA	7783-06-4	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN	Hydrogen Sulfide
U143	NA	303-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Lasiocarpine
U147	NA	108-31-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or FSUBS; or INCIN	Maleic anhydride
U148	NA	123-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Maleic hydrazide
U149	NA	109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Malononitrile
U150	NA	148-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Melphalan
U151	Tables A & B	7439-97-6	NA	RMERC	Mercury: (High Mercury Sub- category--greater than or equal to 260 mg/kg total Mercury)
U153	NA	74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methanethiol

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U154	NA	67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or FSUBS; or INCIN	Methanol
U156	NA	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methyl chloro- carbonate
U160	NA	1338-23-4	CHOXD; CHRED; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Methyl ethyl ketone peroxide
U163	NA	70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Methyl-N'-nitro-N- Nitrosoguanidine
U164	NA	56-04-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methylthiouracil
U166	NA	130-15-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or FSUBS; or INCIN	or 1,4-Naphthoquinone
U167	NA	134-32-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Naphthylamine
U168	Table B 91-59-8	NA	NA	INCIN	2-Naphthylamine
U171	NA	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
U173	NA	1116-54-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-diethanol- amine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U176	NA	759-73-9	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-ethyl- urea
U177	NA	684-93-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl- urea
U178	NA	615-53-2	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	N-Nitroso-N-methyl- urethane
U182	NA	123-63-7	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	Paraldehyde
U184	NA	76-01-7	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Pentachloroethane
U186	NA	504-60-9	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	1,3-Pentadiene
U189	NA	1314-80-3	CHOXD; CHRED; or CHRED; or INCIN	Phosphorus sulfide
U191	NA	109-06-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	2-Picoline
U193	NA	1120-71-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	1,3-Propane sultone
U194	NA	107-10-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	n-Propylamine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U197	NA	106-51-4	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	p-Benzoquinone
U200	NA	50-55-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Reserpine
U201	NA	108-46-3	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	Resorcinol
U202	NA	81-07-2* A	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Saccharin and salts
U206	NA	18883-66-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Streptozotocin
U213	NA	109-99-9	(WETOX or FSUBS; or CHOXD) fb CARBN; or INCIN	Tetrahydrofuran
U214	Table B	563-68-8	NA	RTHRM; or Thallium (I) acetate
U215	Table B	6533-73-9	NA	RTHRM; or Thallium (I) carbonate
U216	Table B	7791-12-0	NA	RTHRM; or Thallium (I) chloride
U217	Table B	10102-45-1	NA	RTHRM; or Thallium (I) nitrate
U218	NA	62-55-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thioacetamide

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U219	NA	62-56-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thiourea	
U221	NA	25376-45-8	CARBEN; or FSUBS; INCIN INCIN	or Toluenediamine	
U222	NA	636-21-5	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	o-Toluidine hydro- chloride	
U223	NA	26471-62-5	CARBEN; or FSUBS; INCIN INCIN	or Toluene diisocyanate	
U234	NA	99-35-4	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	sym-Trinitrobenzene	
U236	NA	72-57-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Trypan Blue	
U237	NA	66-75-1	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Uracil mustard	
U238	NA	51-79-6	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Ethyl carbamate	
U240	NA	94-75-7*	A (WETOX or INCIN CHOXD) fb CARBN; or INCIN	2,4-Dichlorophenoxy- acetic acid (salts and esters)	
U244	NA	137-26-8	(WETOX or INCIN CHOXD) fb CARBN; or INCIN	Thiram	
U246	NA	506-68-3	CHOXD; or WETOX; INCIN INCIN	Cyanogen bromide	

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U248	NA	81-81-2	(WETOX or FSUBS; CHOXD) fb INCIN CARBN; or INCIN	or Warfarin (greater than or equal to 3% or less)	
U249	NA	1314-84-7	CHOXD; CHRED; INCIN or CHRED; INCIN or (<10%) INCIN	Zinc Phosphide	

*A CAS Number given for parent compound only.

**B This waste code exists in gaseous form and is not categorized as wastewater or nonwastewater forms.

NA Not Applicable.

BOARD NOTE: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in this Table by indicating the five letter technology code that must be applied first, then the designation "fb" (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on. When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "or". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard. See Section 728. Table C for a listing of the technology codes and technology-based treatment standards. Derived from 40 CFR 268.42, Table 2, as adopted at 54 Fed. Reg. 22694, June 1, 1990 [1990], as amended at 56 Fed. Reg. 3876, January 31, 1991.

(Source: Amended at 16 Ill. Reg. , effective)

Section 728. Table E Standards for Radioactive Mixed Waste

WASTE	TECHNOLOGY CODE	NON	WASTE DESCRIPTIONS
CODES	CAS NO.	WASTEWATERS	AND/OR WASTEWATERS TREATMENT SUBCATEGORY
B002-NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory

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D004 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D005 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D006 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D007 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D008 7439-92-1 NA	NA	MACRO	Radioactive Lead Solids Subcategory (Note: these lead solids include, but are not limited to, all forms of lead shielding, and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash.)
D009 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D009 7439-97-6 NA	NA	AMLCM	Elemental mercury-contaminated with radioactive materials
D009 7439-97-6 NA	NA	INCLIN	Hydraulic oil-contaminated with Mercury Radioactive Materials Subcategory

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D009 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D010 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D011 NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
U151 7439-97-6 NA	NA	AMLCM	Mercury, Elemental mercury contaminated with radioactive materials

NA--Not Applicable			
Waste code	Waste descriptions and/or treatment category	CAS No.	Technology Code Wastewaters Nonwastewaters
D002	Radioactive high level wastes generated during the reprocessing of fuel rods subcategory	NA	MA HLVIT
D004	Radioactive high level wastes generated during the reprocessing of fuel rods subcategory	NA	MA HLVIT
D005	Radioactive high level wastes generated during the reprocessing of fuel rods subcategory	NA	MA HLVIT
D006	Radioactive high level wastes generated during the reprocessing of fuel rods subcategory	NA	MA HLVIT
D007	Radioactive high level wastes generated during the reprocessing of fuel rods subcategory	NA	MA HLVIT
D008	Radioactive lead solids subcategory (Note: these lead solids include, but	7439-92-1	MA MACRO

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are not limited to, all forms of lead shielding, and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organolead materials that can be incinerated and stabilized as ash).

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

Elemental mercury contaminated with radioactive materials

Hydraulic oil contaminated with mercury; radioactive materials subcategory

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

Mercury; Elemental mercury contaminated with radioactive materials

NA

7439-97-6

7439-97-6

NA

NA

NA

7439-97-6

NA

NA

NA

NA

NA

NA

NA

HLVII

ANLGM

IMERC

HLVII

HLVII

HLVII

ANLGM

Note: NA means Not Applicable.

(Source: Amended at 16 Ill. Reg. , effective)

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1) Heading of the Part: RCRA PERMIT PROGRAM

2) Code Citation: 35 Ill. Adm. Code 703

3) Section Numbers: Proposed Action:

703.150, 703.155, 703.157 Amended

703.208 New Section

703.211 Amended

703.232 New Section

703.280, 703.283, Appendix A Amended

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 703 governs the issuance of RCRA permits for hazardous waste management facilities. It is derived from 40 CFR 270. Most of the amendments are derived from the USEPA "BIF" ("Boiler and Industrial Furnace") rules in the February 21, 1991 Federal Register. The USEPA rules were also corrected

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in the July 17, August 27 and September 5, 1991 Federal Registers. These corrections are reflected in the Proposal.

703.155 Persons with newly regulated BIF units will be able to file a Part A to acquire interim status for the BIF.

703.157 Allows extended interim status for BIFs now being brought into the program.

703.208 This specifies the RCRA permit application module for a BIF.

703.232 The operator of a BIF gets a succession of permits which allow trial burns to establish conditions for the Part B RCRA permit.

703.280 The amendments deal with permit modification for persons who already have a RCRA permit, and also have a BIF, which now needs to be added to the permit. These persons are authorized to continue operating the BIF if they submit a permit modification request within 180 days after the effective date of the new rules.

App. A Assigns various BIF-related modifications to Classes.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:
This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved

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in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.

B) Types of small businesses affected:

The existing rules and proposed amendments affect persons involved in the treatment, storage and disposal of hazardous waste, particularly those burning hazardous waste in boilers or industrial furnaces ("BIFs").

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. Persons burning hazardous waste in a BIF are required to file a Part A application to qualify for interim status (Section 703.150), and will eventually have to complete a Part B application for a RCRA permit (Section 703.208). This may require a separate trial burn plan permit (Section 703.232).

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

703.100 Scope and Relation to Other Parts
703.101 Purpose
703.110 References

SUBPART B: PROHIBITIONS

Section

703.120 Prohibitions in General
703.121 RCRA Permits
703.122 Specific Inclusions in Permit Program
703.123 Specific Exclusions from Permit Program
703.124 Discharges of Hazardous Waste
703.125 Reapplications
703.126 Initial Applications
703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section

703.140 Purpose and Scope
703.141 Permits by Rule
703.150 Application by Existing HWM Facilities and Interim Status Qualifications
703.151 Application by New HWM Facilities
703.152 Amended Part A Application
703.153 Qualifying for Interim Status
703.154 Prohibitions During Interim Status
703.155 Changes During Interim Status
703.156 Interim Status Standards
703.157 Grounds for Termination of Interim Status
703.158 Permits for Less Than an Entire Facility
703.159 Closure by Removal
703.160 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section

703.180 Applications in General
703.181 Contents of Part A
703.182 Contents of Part B
703.183 General Information
703.184 Facility Location Information

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703.185 Groundwater Protection Information
703.186 Exposure Information
703.187 Solid Waste Management Units
703.188 Other Information
703.200 Specific Information
703.201 Containers
703.202 Tank Systems
703.203 Surface Impoundments
703.204 Waste Piles
703.205 Incinerators
703.206 Land Treatment
703.207 Landfills

703.208 Specific Part B Information Requirements for Boilers and Industrial Furnaces
703.209 Miscellaneous Units
703.210 Process Vents
703.211 Equipment
703.212 Drip Pads

SUBPART E: SHORT TERM AND PHASED PERMITS

Section

703.221 Emergency Permits
703.222 Incinerator Conditions Prior to Trial Burn
703.223 Incinerator Conditions During Trial Burn
703.224 Incinerator Conditions After Trial Burn
703.225 Trial Burns for Existing Incinerators
703.230 Land Treatment Demonstration
703.231 Research, Development and Demonstration Permits
703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section

703.240 Permit Denial
703.241 Establishing Permit Conditions
703.242 Noncompliance Pursuant to Emergency Permit
703.243 Monitoring
703.244 Notice of Planned Changes
703.245 Twenty-four Hour Reporting
703.246 Reporting Requirements
703.247 Anticipated Noncompliance

SUBPART G: CHANGES TO PERMITS

Section

703.260 Transfer
703.270 Modification
703.271 Causes for Modification
703.272 Causes for Modification or Reissuance
703.273 Facility Siting

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- 703.280 Permit Modification at the Request of the Permittee
 703.281 Class 1 Modifications
 703.282 Class 2 Modifications
 703.283 Class 3 Modifications

Appendix A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications

- a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than the following times, whichever comes first:

- 1) Six months after the date of publication of regulations which first require the owner or operator to comply with standards in 35 Ill. Adm.

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Code 725 or 726; or

- 2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726;
- 3) For generators which generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treat, store or dispose of these wastes on-site, by March 24, 1987.

BOARD NOTE: Derived from 40 CFR 270.10(e)(1) and 270.1(b) (1991), amended at 56 Fed. Reg. 32688, July 17, 1991.

- b) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application at any time after the effective date of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit at the facility. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time. In granting a variance under subsection (c), the Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721 or 725.

BOARD NOTE: Derived from 40 CFR 270.10(e)(2) (1990).

- c) The time for filing Part A of the permit application may be extended only by a Board Order entered pursuant to a variance petition. The Board will consider whether there has been substantial confusion as to whether the owner or operator of such facilities were required to file a Part A application and whether such confusion was attributable to ambiguities in 35 Ill. Adm. Code 720, 721 or 725.

BOARD NOTE: Derived from 40 CFR 270.10(e)(3) (1990).

- d) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application at any time after the effective date of standards in 35

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Ill. Adm. Code 724 applicable to any TSD unit at the facility. The Agency will notify the owner or operator that a Part B application is required, and set a date for receipt of the application, not less than six months after the date the notice is sent. The owner or operator may voluntarily submit a Part B application for all or part of the HWM facility at any time.

Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with the dates specified in Section 703.157. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments which render the facility subject to the requirement to have a RCRA permit must submit a Part B application in accordance with the dates specified in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e)(4) (1990).

- e) Interim status may be terminated as provided in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (1990).

~~(Board Note: See 40 CFR 270.10(e))~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 703.155 Changes During Interim Status

- a) Except as provided in subsection (b), the owner or operator of an interim status facility may make the following changes at the facility:

- 1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage or disposal;
- 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the

need for the change) and the Agency approves the change because:

- A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729.
- 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:

- A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or
- B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;

- 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725.Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725.Subpart H as of the date of

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demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

- 5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

- 6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

- b) Except as specifically allowed under this subsection, changes listed under subsection (a) must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:
 - 1) Changes made solely for the purposes of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.
 - 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.
 - 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule

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establishing the new listing or identification.

- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.
- 6) Changes to treat or store, in tanks or containers, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.
- 7) Addition of newly regulated units under subsection (a)(6).
(Board Note: Derived from 40 CFR 270.72 (1988) as amended at 54 Fed. Reg. 9687, March 7, 1989 (1990, as amended 56 Fed. Reg. 7206, February 21, 1991.)

(Source: Amended at 16 Ill. Reg. , effective)

Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when:

- a) Final administrative disposition of a permit application is made; or
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.

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c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:

- 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
- 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:

- 1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
- 2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2) or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements. (35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.)

f) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.

g) For owners and operators of any facility (other than a

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land disposal or an incinerator facility) which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

(Board Note: Derived from 40 CFR 270.10(e) (5) (1988) and 270.73 (1988), as amended at 54 Fed. Reg. 9687, March 7, 1989; 1990, as amended at 56 Fed. Reg. 7206, February 21, 1991.)

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART D: APPLICATIONS

Section 703.208

Specific Part B Information Requirements for Boilers and Industrial Furnaces

a) Trial burns.

1)

General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205 standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.

A) Under subsection (a)(2) - (5) and 35 Ill. Adm. Code 726.204 - 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and

B) The owner or operator may submit date in lieu of a trial burn, as prescribed in subsection (a)(6).

2) Waiver of trial burn of DRE (destruction removal efficiency).

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- A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204 (a)(4) and 726.220 that automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.220
- B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a) that waive the DRE trial burn, the owner or operator shall submit:
- i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).
- ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111)
- iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified subsection (a)(1)(B)(ii) using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).
- iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency shall review the

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- emission modeling conducted by the applicant to determine conformance with these procedures. The Agency shall either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- V) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) quantified in conformance with subsection (a)(2)(B)(iv) does not exceed the allowable ambient level established in 35 Ill. Adm. Code 726. Appendices D or E. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in 35 Ill. Adm. Code 726. Appendix D or risk-specific does has not been established in 35 Ill. Adm. Code 726. Appendix E is 0.1 micrograms per cubic meter, as noted in the footnote to 35 Ill. Adm. Code 726. Appendix D.
- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (c) that control metals emissions without requiring a trial burn, the owner or operator shall submit:
- A) Documentation of the feed rate of hazardous waste, other fuels and industrial furnace feed stocks;
- B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (e) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
- C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that

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subsection:

D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.206(b)(3) - (5):

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks:

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and

G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels and industrial furnace feed stocks.

4) Waiver of trial burn for PM (particulate matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b) which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with subsection (a)(2)(B) and (3).

5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions by HCl and chlorine gas without requiring a trial burn, the owner or operator shall submit:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

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C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3).

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204-726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating

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information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency shall approve a permit application without a trial burn if he finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information shall be submitted:

- A) For a waiver from any trial burn:
 - i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
 - ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
 - iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection.
- B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204 (a). This analysis should specify the constituents in 35 Ill. Adm. Code 721. Appendix H, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.

b) Alternative HC limit for industrial furnaces with

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organic matter in raw materials. Owners and operators of industrial furnaces requesting an alternative HC limit under 35 Ill. Adm. Code 726.204(f) shall submit the following information at a minimum:

- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
 - 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
 - 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;
 - 4) Trial burn plan to:
 - A) Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
 - B) Identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H that are emitted when burning hazardous waste;
 - 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
 - 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection.
- c) Alternative metals implementation approach. When

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seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the Agency finds necessary to achieve the purposes of this subsection.

d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

e) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.

f) Residues. Owners and operators that claim that their residues are excluded from regulation under the provisions of 35 Ill. Adm. Code 726.212 shall submit information adequate to demonstrate conformance with those provisions.

(Source: Added at 16 Ill. Reg. , effective)

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have equipment to which 35 Ill. Adm. Code 724.Subpart BB applies shall provide the following additional information:

a) For each piece of equipment to which 35 Ill. Adm. Code 724.Subpart BB applies:

- 1) Equipment identification number and hazardous waste management unit identification.
- 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).

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- 3) Type of equipment (e.g., a pump or pipeline valve).
- 4) Percent by weight total organics in the hazardous wastestream at the equipment.
- 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
- 6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

b) For facilities which cannot install a closed-vent system and control device to comply with 35 Ill. Adm. Code 724.Subpart BB on the effective date that facility becomes subject to this Subpart or 35 Ill. Adm. Code 724.Subpart BB, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation which demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required under 35 Ill. Adm. Code 724.964. The Agency shall request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:

- 1) A list of all information references and sources used in preparing the documentation.
- 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j).
- 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI

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Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency which present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).

- 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions which exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsection (b) - (f). Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g).
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
 - 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous

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waste, the Agency shall establish in the Pretrial Burn Period of the permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

- A) Applicants must submit a statement, with part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204-726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202 (e).
 - B) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204-726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204-726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202 (e). Applicants shall propose a trial burn plan, prepared under subsection (c), to be submitted with part B of the permit application.
 - 3) Post-trial burn period.
 - A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the

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Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204-726.207 based on the Agency's engineering judgment.

- B) Applicants shall submit a statement, with part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204-726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

- C) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204-726.207 based on the Agency's engineering judgment.

- 4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202 (e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204-726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.

- 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

- A) Heating value, levels of antimony, arsenic,

barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride and ash.

- B) Viscosity or description of the physical form of the feed stream:

- 2) An analysis of each hazardous waste, as fired, including:

- A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in App. H which would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified at the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111 or their equivalent.)

- B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods or other equivalent.

- C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

- 3) A detailed engineering description of the boiler or industrial furnace, including:

- A) Manufacturer's name and model number of the boiler or industrial furnace:

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- B) Type of boiler or industrial furnace;
- C) Maximum design capacity in appropriate units;
- D) Description of the feed system for the hazardous waste, and as appropriate, other fuels and industrial furnace feedstocks;
- E) Capacity of hazardous waste feed system;
- F) Description of automatic hazardous waste feed cutoff system(s); and
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and sample analysis.
- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (6)(2).
- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204-726.207.
- 7) A description of and planned operating conditions for any emission control equipment that will be used.
- 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

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- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b) (2).
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104-726.107.
- 2) The Agency shall approve a trial burn plan if the Agency finds that:
- A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104-726.107.
- B) The trial burn itself will not present an imminent hazard to human health and the environment;
- C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102 (c); and
- D) The information sought in the trial burn cannot reasonably be developed through other means.
- 3) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c). The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.
- 4) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 5) All submissions required by this subsection must be certified on behalf of the applicant by the

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signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.

- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and m for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721. Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721. Appendix G as the basis for listing.

- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
- 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204 (a):
 - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
 - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
 - C) A computation of (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204 (a).
- 3) When a trial burn for chlorinated dioxins and

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furans is required under 35 Ill. Adm. Code 726.204 (e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.

- 4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206 (c) or (d) or 726.207 (b) (2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards;
- 5) When a trial burn for DRE, metals, and HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.204 (a), 726.206 (c) or (d), or 726.207 (b) (2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;
- 6) An identification of sources of fugitive emissions and their means of control;
- 7) A continuous measurement of carbon monoxide (CO), oxygen, and where required, hydrocarbons (HC), in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 - 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 - 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202 (e) as necessary to meet those performance standards.
- 9) Interim status boilers and industrial furnaces, for the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 - 726.207 and of determining adequate operating

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conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). Applicants who submit a trial burn plan and receive approval before submission of the part B permit application shall complete the trial burn and submit the results specified in subsection (f) with the part B permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant shall contact the Agency to establish a later date for submission of the part B application or the trial burn results. If the applicant submits a trial burn plan with part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

(Source: Added at 16 Ill. Reg. , effective)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.

- 1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.

2)

The Agency shall make the determination described in subsection (d)(1) a promptly as practicable. In determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

- A) Class 1 modification apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.
 - B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to
 - i) Common variations in the types and quantities of the wastes managed under the facility permit,
 - ii) Technological advances, and
 - iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.
 - C) Class 3 modifications substantially alter the facility or its operation.
- e) Temporary authorizations.
- 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
 - 2) Procedures.
 - A) The permittee may request a temporary authorization for:

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- i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B), and
- ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i); or that meets the criteria in subsection (e)(3)(B)(iii) through (v) and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include:

- i) A description of the activities to be conducted under the temporary authorization;
- ii) An explanation of why the temporary authorization is necessary; and
- iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:

- A) The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
- B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

- i) To facilitate timely implementation of

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closure or corrective action activities;

- ii) To allow treatment or storage in tanks or containers of restricted wastes in accordance with 35 Ill. Adm. Code 728;
- iii) To prevent disruption of ongoing waste management activities;
- iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
- v) To facilitate other changes to protect human health and the environment.

4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D), or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.

- 1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).

- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed

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under the permit appeal procedures of 35 Ill. Adm. Code 705.212.

- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

- g) Newly listed or identified wastes regulated wastes and units.

- 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721 ~~if the permittee, or to~~ continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

- A) ~~Was the unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;~~

- B) ~~Submits the permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;~~

- C) ~~Is the permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;~~

- D) ~~In the case of classes 2 and 3 modifications, the permittee also submits a complete permit class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and~~

- E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements

of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to clarify/certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.

- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

- h) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for review.

{Board Note: Derived from 40 CFR 270.42(d) through (h), ~~as amended at 53 Fed. Reg. 37934, September 28, 1988, 7(1990), as amended at 56 Fed. Reg. 7206, February 21, 1991, and at 56 Fed. Reg. 32688, July 17, 1991.~~

(Source: Amended at 16 Ill. Reg. , effective)

Section 703.283 Class 3 Modifications

- a) For Class 3 modifications, listed in Appendix A, the permittee shall submit a modification request to the Agency which:

- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
- 2) Identifies that the modification is a Class 3 modification;
- 3) Explains why the modification is needed; and
- 4) Provides the applicable information required by Section 703.181 through ~~703-185~~703.187, 703.201 through ~~703-207~~703.209, 703.221 through 703.225, and ~~703.230 and 703.232.~~

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- b) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and shall publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee shall provide to the Agency evidence of the mailing and publication. The notice must include:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d);
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and
 - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- c) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- e) the public shall be provided 60 days to comment on the

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- modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) After the conclusion of the 60-day comment period, the Agency shall grant or deny the permit modification request according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency shall consider and respond to all significant written comments received during the 60-day comment period.
- (Source: Amended at 16 Ill. Reg. , effective)
- Section 703.Appendix A Classification of Permit Modifications
- | Class | Modifications |
|-------|----------------------------------------------------------------------------------------------------------------------------------|
| A. | General Permit Provisions |
| 1 | 1. Administrative and informational changes. |
| 1 | 2. Correction of typographical errors. |
| 1 | 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls). |
| | 4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee: |
| 1 | a. To provide for more frequent monitoring, reporting or maintenance. |
| 2 | b. Other changes. |
| | 5. Schedule of compliance: |
| 1* | a. Changes in interim compliance dates, with prior approval of the Agency. |
| | BOARD NOTE: "*" indicates that prior Agency approval is required. |
| 3 | b. Extension of final compliance date. |
| 1* | 6. Changes in expiration date of permit to allow |

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earlier permit termination, with prior approval of the Agency.

- 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.
- 2 c. Removal of equipment from emergency equipment list.
- 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- 1 a. To conform with Agency guidance or Board regulations.
- 1 b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
- 2 c. Other changes.

2. Changes to analytical quality assurance/control plan:

- 1 a. To conform with agency guidance or regulations.
- 2 b. Other changes.

3. Changes in procedures for maintaining the operating record.

4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

- 2 a. That affect the type or decrease the amount of training given to employees.

1 b. Other changes.

6. Contingency plan:

- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).

- 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

C. Groundwater Protection

1. Changes to wells:

- 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
- 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.

2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.

2* 4. Changes in point of compliance.

5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):

- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.

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- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
- 3 8. Corrective action program:
 - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure
 - 1* 1. Changes to the closure plan:
 - 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
 - 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
 - 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
 - 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.

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- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
 - 3 a. Surface impoundments.
 - 3 b. Incinerators.
 - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
 - 2 e. Tanks or containers (other than specified below).
 - 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- E. Post-Closure
 - 1 1. Changes in name, address or phone number of contact in post-closure plan.
 - 2 2. Extension of post-closure care period.
 - 3 3. Reduction in the post-closure care period.
 - 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
 - 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the

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facility, including partial and final closure.

F. Containers

- 3

1.

Modification or addition of container units:
- 3

a.

Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 2

b.

Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- 1

c.

Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2.

a.

Modification of a container unit without increasing the capacity of the unit.
- 1

b.

Addition of a roof to a container unit without alteration of the containment system.
3.

Storage of different wastes in containers, except as provided in F(4):
- 3

a.

That require additional or different management practices from those authorized in the permit.
- 2

b.

That do not require additional or different management practices from those authorized in the permit.

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Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4.

Storage or treatment of different wastes in containers:
- 2

a.

That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1

b.

That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- G.

Tanks
1.

a.

Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
- 2

b.

Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2

c.

Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies:

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neutralization, dewatering, phase separation or component separation.

- d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies:
neutralization, dewatering, phase separation or component separation.

- e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:

- The capacity difference is no more than 1500 gallons,
- The facility's permitted tank capacity is not increased and
- The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- That require additional or different

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management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

H. Surface Impoundments

- Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- Replacement of a surface impoundment unit.

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- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.
- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage or disposal of different wastes in surface impoundments:
- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further

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that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
2. Modification of waste pile unit without increasing the capacity of the unit.
- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
- 2 4. Modification of a waste pile management practice.
- 2 5. Storage or treatment of different wastes in waste piles:
 - 3 a. That require additional or different management practices or different design of the unit.
 - 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
5. Management of different wastes in land treatment units:
- 3 a. That require a change in permit operating conditions or unit design specifications.
- 2 b. That do not require a change in permit operating conditions or unit design specifications.
- 3 c. That require a change in permit operating conditions or unit design specifications.
- 2 Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
- 3 a. Increase rate or change method of waste application.

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- 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of

- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 2 18. Changes in vegetative cover requirements for closure.
- 3 1. Incinerators, Boilers and Industrial Furnaces
 - 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic-chlorine feed rate limit, a feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic-chlorine feed rate limit, a feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂ metals or particulates from the combustion gases

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or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

- 2 4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

- 3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, or oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

- 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

- 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6. Incineration of burning different wastes:

- 3 a. If the waste contains a POHC that is more difficult to incinerate than authorized

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by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

- 2 b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

- 1* b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

- 1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

- 1 8. Substitution of an alternate type of nonhazardous

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waste fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1990), as amended at 56 Fed. Reg. 7206, February 21, 1991.

(Source: Amended at 16 Ill. Reg. , effective)

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1) Heading of the Part: STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

2) Code Citation: 35 Ill. Adm. Code 722

3) Section Numbers: Proposed Action:
722.110, 722.134 Amended

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 722 governs persons who generate hazardous waste. It is derived from 40 CFR 262, which was amended in connection with the "third third" corrections in the January 31, 1991, Federal Register.

722.110 Reference added to Part 728.

722.134 Reference added to Section

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728.107(a)(4).

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.

B) Types of small businesses affected:

The existing rules and proposed amendments affect persons who generate hazardous waste.

C) Reporting, bookkeeping or other procedures required for

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compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. Section 722.134 sets limits on the time a hazardous waste generator can store hazardous waste on-site without becoming a storage facility.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110
722.111
722.112

Purpose, Scope and Applicability
Hazardous Waste Determination
USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
722.120
722.121
722.122
722.123

General Requirements
Acquisition of Manifests
Number of Copies
Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130
722.131
722.132
722.133
722.134

Packaging
Labeling
Marking
Placarding
Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140
722.141
722.142
722.143
722.144

Recordkeeping
Annual Reporting
Exception Reporting
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Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

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SUBPART F: IMPORTS OF HAZARDOUS WASTE

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722.160

Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170

Farmers

Appendix A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART A: GENERAL

Section 722.110

Purpose, Scope and Applicability

a) These regulations establish standards for generators of hazardous waste.

b) A generator who treats, stores or disposes of hazardous waste on-site must only comply with the following Sections of this Part with respect to that waste: Section 722.111 for determining whether or not the generator has a hazardous waste, Section 722.112 for obtaining an EPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and, if applicable, Section

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722.170 for farmers.

- c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this Part.
- d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of Section 722.151 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724 725 or 728 with respect to such pesticides.
- e) A person who generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.

~~{Board Note: A generator who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725 and 726.}~~

- f) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.

~~{Board Note: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators who are shipping hazardous waste which they generated at that facility. A generator who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725, 726 and 728.}~~

- g) 35 Ill. Adm. Code 700 contains rules on application of other Board regulations.

(Source: Amended at 16 Ill. Reg. , effective)

Section 722.134 Accumulation Time

- a) Except as provided in subsections (d), (e) or (f), a

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generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214 and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

- 1) The waste is placed:

- A) In containers and the generator complies with 35 Ill. Adm. Code 725.Subpart I; or
- B) In tanks and the generator complies with 35 Ill. Adm. Code 725.Subpart J except 35 Ill. Adm. Code 725.297(c) and 725.300; or
- C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:

- i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
- ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

BOARD NOTE: The "in addition" hanging paragraph is in the introduction to subsection (a).

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and
- 4) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.Subparts C and D, with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).

- b) A generator who accumulates hazardous waste for more

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than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act.

c) Accumulation near point of generation.

1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) provided the generator:

- A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a); and
 - B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- 2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) or other applicable provisions of this chapter. During the three day period the generator must continue to comply with subsection (c)(1). The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site

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for 180 days or less without a permit or without having interim status provided that:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I, except the generator need not comply with 35 Ill. Adm. Code 725.276;
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and ~~(e)(3)~~ ^{and the requirements of 35 Ill. Adm. Code 725.Subpart C and of 35 Ill. Adm. Code 728.107(a)(4); and}
- 5) The generator complies with the following requirements:
 - A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(4)(D). The employee is the emergency coordinator.
 - B) The generator shall post the following information next to the telephone:
 - i) The name and telephone number of the emergency coordinator;
 - ii) Location of fire extinguishers and spill control material, and if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies:

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- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:
- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher:
 - ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil:
 - iii) In the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name, address and USEPA identification number (35 Ill. Adm. Code 722.112) of the generator; date, time and type of incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.
- e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d).
- f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days

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if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 16 Ill. Reg. , effective)

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- 1) **Heading of the Part:** STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

- 2) **Code Citation:** 35 Ill. Adm. Code 724

- 3) **Section Numbers:** **Proposed Action:**

724.212, 724.440, 724.930 Amended
724.935 Amended

- 4) **Statutory Authority:** Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

- 5) **A Complete Description of the Subjects and Issues Involved:**

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 724 sets final standards for owners and operators of hazardous waste management facilities with RCRA permits. It is derived from 40 CFR 264, which was amended mainly in connection with the "BIF" rules in the February 21, 1991, Federal Register. The BIF rules were also corrected in the July 17, August 27 and September 5, 1991 Federal Registers.

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These corrections are reflected in the Proposal.

- 724.212 Requirement for notification of Agency prior to closure of a BIF.

- 724.440 The incinerator rules in Part 724 now defer to the Part 720 definition of "incinerator" for their scope. "BIFs" are regulated under Part 726, rather than Part 724.

- 724.930(b) In the process vent rules, a cross reference has been corrected.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-13 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.
- B) Types of small businesses affected:
The existing rules and proposed amendments affect persons who treat, store or dispose of hazardous waste, especially persons who burn hazardous waste in a boiler or industrial furnace ("BIF").
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. Persons subject to this Part are required to have a RCRA permit under Part 703. Section 724.212 requires a notification prior to closure of a BIF.
- D) Types of professional skills required for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope and Applicability
724.101	Relationship to Interim Status Standards
724.103	

SUBPART B: GENERAL FACILITY STANDARDS

Section	Applicability
724.110	Identification Number
724.111	Required Notices
724.112	General Waste Analysis
724.113	Security
724.114	General Inspection Requirements
724.115	Personnel Training
724.116	General Requirements for Ignitable, Reactive or Incompatible Wastes
724.117	Location Standards
724.118	

SUBPART C: PREPAREDNESS AND PREVENTION

Section	Applicability
724.130	Design and Operation of Facility
724.131	Required Equipment
724.132	Testing and Maintenance of Equipment
724.133	Access to Communications or Alarm System
724.134	Required Aisle Space
724.135	Arrangements with Local Authorities
724.137	

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section	Applicability
724.150	Purpose and Implementation of Contingency Plan
724.151	Content of Contingency Plan
724.152	Copies of Contingency Plan
724.153	Amendment of Contingency Plan
724.154	Emergency Coordinator
724.155	Emergency Procedures
724.156	

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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section	
724.170	Applicability
724.171	Use of Manifest System
724.172	Manifest Discrepancies
724.173	Operating Record
724.174	Availability, Retention and Disposition of Records
724.175	Annual Report
724.176	Unmanifested Waste Report
724.177	Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section	
724.190	Applicability
724.191	Required Programs
724.192	Groundwater Protection Standard
724.193	Hazardous Constituents
724.194	Concentration Limits
724.195	Point of Compliance
724.196	Compliance Period
724.197	General Groundwater Monitoring Requirements
724.198	Detection Monitoring Program
724.199	Compliance Monitoring Program
724.200	Corrective Action Program
724.201	Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section	
724.210	Applicability
724.211	Closure Performance Standard
724.212	Closure Plan; Amendment of Plan
724.213	Closure; Time Allowed For Closure
724.214	Disposal or Decontamination of Equipment, Structures and Soils
724.215	Certification of Closure
724.216	Survey Plat
724.217	Post-closure Care and Use of Property
724.218	Post-closure Plan; Amendment of Plan
724.219	Post-closure Notices
724.220	Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section	
724.240	Applicability
724.241	Definitions of Terms As Used In This Subpart
724.242	Cost Estimate for Closure
724.243	Financial Assurance for Closure
724.244	Cost Estimate for Post-closure Care
724.245	Financial Assurance for Post-closure Care

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724.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.247	Liability Requirements
724.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251	Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
724.270	Applicability
724.271	Condition of Containers
724.272	Compatibility of Waste With Container
724.273	Management of Containers
724.274	Inspections
724.275	Containment
724.276	Special Requirements for Ignitable or Reactive Waste
724.277	Special Requirements for Incompatible Wastes
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SUBPART J: TANK SYSTEMS

Section	
724.290	Applicability
724.291	Assessment of Existing Tank System's Integrity
724.292	Design and Installation of New Tank Systems or Components
724.293	Containment and Detection of Releases
724.294	General Operating Requirements
724.295	Inspections
724.296	Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems
724.297	Closure and Post-Closure Care
724.298	Special Requirements for Ignitable or Reactive Waste
724.299	Special Requirements for Incompatible Wastes
724.300	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART K: SURFACE IMPOUNDMENTS

Section	
724.320	Applicability
724.321	Design and Operating Requirements
724.322	Double-lined Surface Impoundments: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.326	Monitoring and Inspection
724.327	Emergency Repairs; Contingency Plans
724.328	Closure and Post-closure Care
724.329	Special Requirements for Ignitable or Reactive Waste
724.330	Special Requirements for Incompatible Wastes
724.331	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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F022, F023, F026 and F027

SUBPART L: WASTE PILES

Section
724.350 Applicability
724.351 Design and Operating Requirements
724.352 Double-lined Piles: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.353 Inspection of Liners: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.354 Monitoring and Inspection
724.355 Special Requirements for Ignitable or Reactive Waste
724.356 Special Requirements for Incompatible Wastes
724.357 Closure and Post-closure Care
724.358 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.359

SUBPART M: LAND TREATMENT

Section
724.370 Applicability
724.371 Treatment Program
724.372 Treatment Demonstration
724.373 Design and Operating Requirements
724.376 Food-chain Crops
724.378 Unsaturated Zone Monitoring
724.379 Recordkeeping
724.380 Closure and Post-closure Care
724.381 Special Requirements for Ignitable or Reactive Waste
724.382 Special Requirements for Incompatible Wastes
724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART N: LANDFILLS

Section
724.400 Applicability
724.401 Design and Operating Requirements
724.402 Double-lined Landfills: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.403 Monitoring and Inspection
724.409 Surveying and Recordkeeping
724.410 Closure and Post-closure Care
724.412 Special Requirements for Ignitable or Reactive Waste
724.413 Special Requirements for Incompatible Wastes
724.414 Special Requirements for Bulk and Containerized Liquids
724.415 Special Requirements for Containers
724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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SUBPART O: INCINERATORS

Section
724.440 Applicability
724.441 Waste Analysis
724.442 Principal Organic Hazardous Constituents (POHCs)
724.443 Performance Standards
724.444 Hazardous Waste Incinerator Permits
724.445 Operating Requirements
724.447 Monitoring and Inspections
724.451 Closure

SUBPART W: DRIP PADS

Section
724.670 Applicability
724.671 Assessment of existing drip pad integrity
724.672 Design and installation of new drip pads
724.673 Design and operating requirements
724.674 Inspections
724.675 Closure

SUBPART X: MISCELLANEOUS UNITS

Section
724.701 Applicability
724.701 Environmental Performance Standards
724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action
724.703 Post-closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
724.930 Applicability
724.931 Definitions
724.932 Standards: Process Vents
724.933 Standards: Closed-vent Systems and Control Devices
724.934 Test methods and procedures
724.935 Recordkeeping requirements
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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
724.950 Applicability
724.951 Definitions
724.952 Standards: Pumps in Light Liquid Service
724.953 Standards: Compressors
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
724.955 Standards: Sampling Connecting Systems
724.956 Standards: Open-ended Valves or Lines

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Standards: Valves in Gas/Vapor or Light Liquid Service
 Standards: Pumps, Valves, Pressure Relief Devices and
 Other Connectors
 Standards: Delay of Repair
 Standards: Closed-vent Systems and Control Devices
 Alternative Percentage Standard for Valves
 Skip Period Alternative for Valves
 Test Methods and Procedures
 Recordkeeping Requirements
 Reporting Requirements

Appendix A Recordkeeping Instructions
 Appendix B EPA Report Form and Instructions (Repealed)
 Appendix D Cochran's Approximation to the Behrens-Fisher
 Student's T-Test
 Appendix E Examples of Potentially Incompatible Waste
 Appendix I Groundwater Monitoring List

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16558, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART G: CLOSURE AND POST-CLOSURE

Section 724.212 Closure Plan; Amendment of Plan

a) Written Plan.

- 1) The owner or operator of a hazardous waste management facility shall have a written closure

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plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

- 2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701. Until final closure is completed and certified in accordance with Section 724.515, a copy of the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.

b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;
- 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and
- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site

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hazardous waste management units to be used, if applicable; and

- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
 - 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and
 - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.)
 - 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.
- c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.

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- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
- 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
 - A) Changes in operating plans or facility design affect the closure plan; or
 - B) There is a change in the expected year of closure, if applicable, or
 - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan.
- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA

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permit issued.

- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705.

d) Notification of partial closure and final closure.

- 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage or incinerator units to be closed. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

- 2) The date when the owner or operator "expects to begin closure" must be either:

- a) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken, and will continue to take, all steps

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to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit. Or,

- B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.

- 3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART 0: INCINERATORS

Section 724.440 Applicability.

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- a) The regulations in this Subpart apply to owners and operators of facilities that ~~incinerate hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise. The following facility owners and operators are considered to incinerate hazardous waste:~~

~~1) Owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110); and~~

~~2) Owners or operators who burn hazardous waste in boilers or in industrial furnaces in order to destroy them, or who burn hazardous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this Subpart.~~

- b) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart except Section 724.441 (Waste analysis) and Section 724.451 (Closure):

1) If the Agency finds that the waste to be burned is:

- A) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
- B) Listed as a hazardous waste in 35 Ill. Adm. Code 721, Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.123(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or
- C) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the test for characteristics of hazardous wastes under 35 Ill. Adm. Code 721, Subpart C; or
- D) A hazardous waste solely because it possesses

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any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (2), (3), (6), (7) and (8) and will not be burned when other hazardous wastes are present in the combustion zone; and

- 2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, which would reasonably be expected to be in the waste.

c) If the waste to be burned is one which is described by subsections (b)(1)(A), (b)(1)(B), (b)(1)(C) or (b)(1)(D) and contains insignificant concentrations of the hazardous constituents listed in 35 Ill. Adm. Code 721, Appendix H, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart, except Section 724.441 (Waste analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

- d) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (Short term and incinerator permits).

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and 724.935(e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:

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- 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703; or
- 2) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.
- c) If the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.932 through 724.936 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

(Source: Amended at 16 Ill. Reg. , effective)

Section 724.935 Recordkeeping requirements

a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in

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operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

- 2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including:
 - A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).
 - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.
- 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:

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- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
- B) A detailed engineering description of the closed-vent system and control device including:
- i) Manufacturer's name and model number of control device.
 - ii) Type of control device.
 - iii) Dimensions of the control device.
 - iv) Capacity.
 - v) Construction materials.
- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
- 4) Documentation of compliance with Section 724.933 must include the following information:
- A) A list of all information references and sources used in preparing the documentation.
 - B) Records, including the dates of each compliance test required by Section 724.933(k).
 - C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415 (incorporated by reference in

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- 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.
- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
 - ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
 - iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
 - iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.933(d).

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- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

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- D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.
- F) If performance tests are used to demonstrate compliance, all test results.
- c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:
- 1) Description and date of each modification that is made to the closed-vent system or control device design.
 - 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (2).
 - 3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).
 - 4) Date, time and duration of each period that occurs

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while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

- A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.
- B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).
- C) For a catalytic vapor incinerator, any period when:
- i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii); or
 - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).
- D) For a boiler or process heater, any period when:
- i) Flame zone temperature is more than 28 C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or
 - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).

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- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v).
- G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when:
- i) Temperature of the exhaust vent stream from the condenser is more than 6 C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v).
 - ii) Temperature of the coolant fluid exiting the condenser is more than 6 C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined

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carbon bed regeneration time established as a requirement of subsection (b) (4) (C) (vi).

- 5) Explanation for each period recorded under subsection (c) (4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h) (2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h) (1), a log that records:
 - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.
- d) Records of the monitoring, operating and inspection information required by subsections (c) (3) through (8) need be kept only 3 years.
- e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements.
- f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d) (2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 16 Ill. Reg. , effective)

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1) Heading of the Part: STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

2) Code Citation: 35 Ill. Adm. Code 726

3) Section Numbers: Proposed Action:

726.130, 726.131, 726.132	Repealed
726.133, 726.134, 726.135	Repealed
726.140	Amended
726.200, 726.201, 726.202	New Section
726.203, 726.204, 726.205	New Section
726.206, 726.207, 726.208	New Section
726.209, 726.210, 726.211	New Section
726.212, 726.219, Appendix A	New Section
Appendix B, Appendix C	New Section
Appendix D, Appendix E	New Section
Appendix F, Appendix G	New Section
Appendix H, Appendix I	New Section
Appendix J, Appendix K	New Section
Appendix L, Table A	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1007.2, 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R91-13, on December 19, 1991. A copy of the Proposed Opinion is available from the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found at 40 CFR 260 through 270. The equivalent Board regulations are in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991.

Part 726 sets management standards for specific types of hazardous waste and specific types of facilities. The existing standards include Subparts for certain types of recycling, including used batteries and precious metals recovery, and for used oil. The major change concerns standards for burning hazardous waste in boilers and industrial furnaces (BIFs).

Part 726 is drawn from 40 CFR 266, which was amended with the BIF rules in the February 21, 1991, Federal Register. The USEPA rules were also corrected in the July 17, August 27 and September 5, 1991, Federal Registers. These corrections are reflected in the Proposal.

726.130 Existing Subpart D is replaced by a new Subpart H.

726.200 Subpart H applies to BIFs burning hazardous waste for energy recovery or destruction, or processing for materials recovery or as an ingredient. The basic applicability terms are defined in Part 720 above.

726.200(a) This grants a stay of the applicability to coke ovens processing coke oven by-products exhibiting the toxicity characteristic.

726.200(g) The Board has proposed to collect in this subsection abbreviations and definitions implied by, but not stated in, the USEPA rules.

726.201 This specifies which portions of the generator, transporter and storage facility rules apply prior to burning in a BIF.

726.202(a)(2) The State of Illinois and the federal government" are exempt from the financial assurance requirement.

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726.202(b)(1)

Waste must "provide all information ... to enable the Agency to prescribe such permit conditions as necessary to protect human health and the environment".

726.202(c)

Requires the operator to comply with the emissions standards in the following Sections.

726.202(e)(6)(D)

The BIF unit must operate under trial burn conditions.

Subsection (e)(6)(D)(ii) provides that industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

726.202(e)(7)(B)

USEPA rule allows the State to limit the number of cutoffs per an operating period on a case-by-case basis, but provides no criteria. The Board has therefore not proposed to allow such limits.

726.202(e)(7)(C)

A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste... deviate from the limits as specified in the permit.

726.203

This Section establishes "interim status standards" for existing BIFs pending issuance of a RCRA permit.

"Existing" facility includes facilities which have "commenced construction". This, in turn, is conditioned on operator having obtained "the Federal, State and local approvals or permits necessary to begin physical construction".

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726.203(a)(1)(C)

A facility which has a hazardous waste management unit, other than the BIF, for which it already has a permit or interim status, has to proceed by way of modification of the facility permit, instead of by the initial application procedures generally specified.

726.203(b)

40 CFR 266.103(b) governs the "certification of precompliance"

requirement for interim status. The Board has proposed to merely reference the USEPA rules. The certification of precompliance was due on August 21, 1991, which has already passed.

726.203(c)

This governs the "certification of compliance", which is generally due by August 21, 1992. The Board has proposed to adopt these rules. This will mean that a certification of compliance will have to be directed to IEPA.

726.203(c)(7)(B)

Procedures for case-by-case extensions for the compliance times for the certification of compliance moved to Section 726.219.

726.204(a)(1)

This Section sets standards for organic emissions, including a "destruction and removal efficiency" ("DRE") standard for "principal organic hazardous constituents" ("POHCs"). The Board has simplified the formula to avoid future errors.

726.204(a)(2)

The Agency selects the POHCs based on the hazardous constituents list in 35 Ill. Adm. Code 721. Appendix H [40 CFR 261, App. VIII] and the constituents present in the waste feed.

726.204(c)(1)

Alternative carbon monoxide standard.

726.204(f)

Alternative hydrocarbon (HC) emission limit. Board has proposed to reference Section 703.232(d) for the procedural context.

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726.205

This Section sets particulate matter emissions standards.

726.206

This Section specifies emissions standards for metals.

726.206(b)(1)

Deals with "noncarcinogenic metals", which are implicitly defined as "antimony, barium, lead, mercury, thallium and silver".

726.206(b)(2)

Deals with "carcinogenic metals", which are implicitly defined as "arsenic, cadmium, beryllium and chromium".

726.206(b)(7)

40 CFR 266.106(b)(7) requires "Tier III" limits if the State Director determines that standards based on site-specific dispersion modeling are required. This language is present in the proposal. However, the Board will delete it from the proposal unless commenters provide the Board with meaningful criteria for this decision.

726.207

Emission standards emission standards for hydrogen chloride and chlorine gas.

726.208

This Section creates an exemption for on-site burning by small quantity generators. Facilities must notify IEPA, as well as USEPA.

726.209

This Section establishes a "low risk waste exemption" from the DRE and particulate matter standards. The BIF must primarily burn fossil or similar fuel.

726.210

This Section provides a "waiver" of DRE trial burn for Boilers. The "waiver" is a permit-type decision in which the Agency applies an alternative set of Board regulations after reviewing a technical submission in a permit application.

726.211(d)(2)

40 CFR 266.111(d)(2) was substantially amended in the August 27 corrections.

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This added a reference to NFPA 30, the "Flammable and Combustible Liquids Code". The Board has cited to the preexisting reference in 35 Ill. Adm. Code 720.111.

This Section governs residues from BIFs.

This Section was drawn from 40 CFR 266.103(c)(7)(ii). This Section allows a case-by-case extension of time to file the certification of compliance pursuant to Section 726.203(c). The variance procedures of Title IX of the Act are an appropriate procedural mechanism for granting a temporary extension of a compliance deadline.

App. A This gives Tier I and II Feed Rate and Emissions Screening Limits

App. B and C These give screening limits for chlorine and chloride.

App. D This specifies "RAC", the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart.

App. E This specifies the acceptable ambient level for the carcinogenic metals for purposes of this Subpart.

App. F This gives the stack plume rise, which is used in the formula for TESH in Section 726.206(b)(3).

App. G This Appendix is used, in Section 726.212, in connection with the exclusion of certain BIF residues from regulation as hazardous wastes.

App. H This lists Potential PICs, which are used in connection with the residue exclusions in Section 726.212.

App. I and J These reference two USEPA documents: "Methods Manual for Compliance with BIF Regulations" and "Guideline on Air Quality Models (Revised)". These and

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the following Appendices are derived from the USEPA corrections.

These list the types of lead-bearing hazardous waste which can be introduced into a lead smelter, and types of nickel or chromium-bearing materials in Nickel-Chromium Recovery Furnaces, which are exempt from the BIF rules.

App. K and L

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Section 726.103(b) and Appendices I and J incorporate rules and regulations of agencies of the United States, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent they may be involved in the treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R91-13 and be addressed to:

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Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
December 30, 1991.

B) Types of small businesses affected:

The existing rules and proposed amendments affect persons who burn hazardous waste in a boiler or industrial furnace ("BIR"). Specific types of businesses affected include: Marketers of hazardous waste fuel [726.134]; Persons operating coke ovens [726.200]; operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces [726.200(c), 726.212(a)(2)]; cement kilns [726.200(c), 726.203(a)(5) and (c)(3), 726.212(a)(3)]; aggregate kilns [726.200(c), 726.203(c)(3)(B)(iii)]; halogen acid furnaces [726.200(c), 726.203(a)(6)(D)]; operators of metal recovery furnaces, including lead, nickel and chromium recovery [726.200(c)(1) and (3), Appendix K and L]; operators of smelting, melting and refining furnaces that process hazardous waste for recovery precious metals [726.200(f)];

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures. Section 726.203(b) references a "certification of precompliance", which had to be filed with USEPA by August 21, 1991. Under Section 726.203(c), a "certification of compliance" will be due IEPA on August 21, 1992. Section 726.203(j) and (k) specify continuing reporting requirements pursuant to the certification. Persons will have to qualify for interim status and file a Part B application under part 703. This may also require an interim trial burn plan permit under Part 703.

Section 726.202(a)(2) references numerous reporting and

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bookkeeping procedures in Part 724. Section 726.202(b) requires a hazardous waste analysis. Section 726.202(e)(8) - (10) specifies numerous additional reporting and record keeping requirements.

Sections 726.208 allows an exemption for generators burning small quantities of hazardous waste on site. Section 726.209 allows a waiver of some requirements for "low risk waste".

Industry-specific procedures include the following: Notice by lead and nickel-chromium recovery furnace operators [726.200(c)(1)(A) and (c)(3)]; Notice by metal recovery furnace that burns a baghouse gas used to capture metallic dusts emitted by steel manufacturing [726.200(c)(3)]; Notice by smelting, melting and refining furnaces that process hazardous waste for recovery of precious metals [726.200(f)]; Documentation of certain burning in a halogen acid furnace [726.203(a)(6)(D)].

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A MANNER
CONSTITUTING DISPOSAL

Section	Applicability
726.120	Standards applicable to generators and transporters of
726.121	materials used in a manner that constitutes disposal
726.122	Standards applicable to storers, who are not the
	ultimate users, of materials that are to be used in a
	manner that constitutes disposal
726.123	Standards applicable to users of materials that are
	used in a manner that constitutes disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section	Applicability (Repealed)
726.130	Prohibitions (Repealed)
726.131	Standards applicable to generators of hazardous waste
726.132	fuel (Repealed)
726.133	Standards applicable to transporters of hazardous waste
	fuel (Repealed)
726.134	Standards applicable to marketers of hazardous waste
	fuel (Repealed)
726.135	Standards applicable to burners of hazardous waste fuel
	(Repealed)
726.136	Conditional exemption for spent materials and by-
	products exhibiting a characteristic of hazardous waste
	(Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section	Applicability
726.140	Prohibitions
726.141	Standards applicable to generators of used oil burned
726.142	for energy recovery
726.143	Standards applicable to marketers of used oil burned
	for energy recovery
726.144	Standards applicable to burners of used oil burned for
	energy recovery

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SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL
RECOVERY

Section	Applicability and requirements
726.170	

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section	Applicability and requirements
726.180	

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section	Applicability
726.200	Management prior to Burning
726.201	Permit standards for Burners
726.202	Interim status standards for Burners
726.203	Standards to control Organic Emissions
726.204	Standards to control PM
726.205	Standards to control Metals Emissions
726.206	Standards to control HCl and Chlorine Gas Emissions
726.207	Small quantity On-site Burner Exemption
726.208	Low risk waste Exemption
726.209	Waiver of DRE trial burn for Boilers
726.210	Standards for direct transfer
726.211	Regulation of Residues
726.212	Extensions of Time
726.219	

Appendix A

Tier I and Tier II Feed Rate and Emissions
Screening Limits for Metals

Appendix B

Tier I Feed Rate Screening Limits for Total
Chlorine

Appendix C

Tier II Emission Rate Screening Limits for Free
Chlorine and Hydrogen Chloride

Appendix D

Reference Air Concentrations

Appendix E

Risk Specific Doses

Appendix F

Stack Plume Rise

Appendix G

Health-Based Limits for Exclusion of Waste-Derived
Residues

Appendix H

Potential PICs for Determination of Exclusion of
Waste-Derived Residues

Appendix I

Methods Manual for Compliance with BIF Regulations

Appendix J

Guideline on Air Quality Models

Appendix K

Lead-Bearing Materials That May be Processed in
Exempt Lead Smelters

Appendix L

Nickel or Chromium-Bearing Materials that may be
Processed in Exempt Nickel-Chromium Recovery
Furnaces

Table A

Exempt Quantities for Small Quantity Burner
Exemption

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4 and 1027).

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. , effective

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section 726.130 Applicability (Repealed)

a) ~~The regulations of this Subpart apply to hazardous wastes that are burned for energy recovery in any boiler or industrial furnace that is not regulated under 35 Ill. Adm. Code 724 or 725. Subpart D except as provided by subsection (b). Such hazardous wastes burned for energy recovery are termed "hazardous waste fuel," fuel produced from hazardous waste processing, by blending or other treatment is also hazardous waste fuel. (The regulations do not apply, however, to gas recovered from hazardous waste management activities when such gas is burned for energy recovery).~~

b) ~~The following hazardous wastes are not regulated under this Subpart:~~

1) ~~Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C. Such used oil is subject to regulation under Subpart E rather than this Subpart; and~~

2) ~~Hazardous wastes that are exempt from regulation under the provisions of 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(E) through (I) and hazardous wastes that are subject to the special requirements for small quantity generators under the provisions of 35 Ill. Adm. Code 721.105.~~

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(Source: Repealed at 16 Ill. Reg. , effective)

Section 726.131 Prohibitions (Repealed)

a) ~~A person may market hazardous waste fuel only:~~

- 1) ~~To persons who have notified USEPA of their hazardous waste fuel activities and have a USEPA identification number (35 Ill. Adm. Code 722.112); and~~

- 2) ~~If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in subsection (b).~~

b) ~~Hazardous waste fuel may be burned for energy recovery in only the following devices:~~

- 1) ~~Industrial furnaces identified in 35 Ill. Adm. Code 720.110;~~

- 2) ~~Boiler, as defined in 35 Ill. Adm. Code 720.110 that are identified as follows:~~

- A) ~~Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or~~

- B) ~~Utility boilers used to produce electric power, steam or heated or cooled air or other gases or fluids for sale.~~

- E) ~~No fuel which contains any hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000 (based on the most recent census statistics) unless such kiln fully complies with regulations under 35 Ill. Adm. Code 702, 703, 724 and 725 that are applicable in incinerators.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)

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- a) ~~Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to 35 Ill. Adm. Code 722.7227.~~
- b) ~~Generators who market hazardous waste fuel to a burner also are subject to Section 726.1347.~~
- c) ~~Generators who are burners also are subject to Section 726.1357.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)

~~Transporters of hazardous waste fuel (and hazardous waste that is used to produce a fuel) are subject to the 35 Ill. Adm. Code 723.7237.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)

~~Persons who market hazardous waste fuel are called "marketers" and are subject to the following requirements. Marketers include generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and producer, process or blend hazardous waste fuel from these hazardous wastes and persons who distribute but do not process or blend hazardous waste fuel.~~

- a) ~~Prohibitions. The prohibitions under Section 726.131(a)7~~

b) ~~Notification. Notification of hazardous waste fuel activities. Even if a marketer has previously notified USEPA of the marketer's hazardous waste management activities and obtained a USEPA identification number, the marketer shall renotify to identify the marketer's hazardous waste fuel activities.~~

- c) ~~Storage. The applicable provisions of 35 Ill. Adm. Code 702.7037, 723.1347, 724-Subparts A through E and 725-Subparts A through E7~~

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- d) ~~Off-site shipment. The standards for generators in 35 Ill. Adm. Code 722 when a marketer initiates a shipment of hazardous waste fuel.~~

e) ~~Required notices.~~

- i) ~~Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, the marketer shall obtain a one-time written and signed notice from the burner or marketer certifying that:~~

A) ~~The burner or marketer has notified USEPA and identified the burner or marketer's waste as fuel activities; and~~

B) ~~If the recipient is a burner, the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in 35 Ill. Adm. Code 726.131(b)7.~~

- 2) ~~Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, the marketer shall provide the other marketer with a one-time written and signed certification that the marketer has notified USEPA under Section 3010 of the Resource Conservation and Recovery Act and identified the marketer's hazardous waste fuel activities; and~~

- f) ~~Recordkeeping. In addition to the applicable recordkeeping requirements of 35 Ill. Adm. Code 722, 724 and 725, a marketer shall keep a copy of each certification notice the marketer receives or sends for three years from the date the marketer last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice.~~

(Source: Repealed at 16 Ill. Reg. , effective)

Section 726.135 Standards applicable to burners of hazardous waste fuel (Repealed)

~~Owners and operators of industrial furnaces and boilers identified in Section 726.131 (b) that burn hazardous waste fuel are "burners" and are subject to the following requirements:~~

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- a) ~~Prohibitions. The prohibitions under section 726.131(b)7~~
- b) ~~Notification. Notification of hazardous waste fuel activities. Even if a burner has previously notified USEPA of the burner's hazardous waste management activities and obtained a USEPA identification number, the burner shall renotify to identify the burner's hazardous waste fuel activities.~~
- e) ~~Storage.~~
- 1) ~~For short term accumulation by generators who burn their hazardous waste fuel on site, the applicable provisions of 35 Ill. Adm. Code 722.1347~~
- 2) ~~For existing storage facilities, the applicable provisions of 35 Ill. Adm. Code 702, 703 and 725-Subparts A through I, and~~
- 3) ~~For new storage facilities, the applicable provisions of 35 Ill. Adm. Code 702, 703 and 724-Subparts A through I7~~
- d) ~~Required notices. Before a burner accepts the first shipment of hazardous waste fuel from marketer, the burner shall provide the marketer a one-time written and signed notice certifying that:~~
- 1) ~~The burner has notified USEPA and identified the burner's waste as fuel activities, and~~
- 2) ~~The burner will burn the fuel only in a boiler or furnace identified in Section 726.131(b)7.~~
- e) ~~Recordkeeping. In addition to the applicable recordkeeping requirements of 35 Ill. Adm. Code 724 and 725 a burner shall keep a copy of each certification notice that the burner sends to a marketer for three years from the date the burner last receives hazardous waste fuel from that marketer.~~

(Source: Repealed at 16 Ill. Reg. , effective)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section 726.140 Applicability

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- a) The regulations of this Subpart apply to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under 35 Ill. Adm. Code 724, or 725-Subpart O, except as provided by subsection (c) and (e). Such used oil is termed "used oil fuel". Used oil fuel includes any fuel produced from used oil by processing, blending or other treatment.
- b) "Used oil" means any oil that has been refined from crude oil, used and, as a result of such use, is contaminated by physical or chemical impurities.
- c) Except as provided by subsection (d), used oil that is mixed with hazardous waste and burned for energy recovery is subject to regulation as hazardous waste fuel under Subpart BH. Used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721-Subpart H).
- d) Used oil burned for energy recovery is subject to regulation under this Subpart rather than as hazardous waste fuel under Subpart BH if it is a hazardous waste solely because it:
- 1) Exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C, provided that it is not mixed with a hazardous waste; or
 - 2) Contains hazardous waste generated only by a person subject to the special requirements for small quantity generators under 35 Ill. Adm. Code 721.105.
- e) Except as provided by subsection (c), used oil burned for energy recovery, and any fuel produced from used oil by processing, blending or other treatment, is subject to regulation under this Subpart unless it is shown not to exceed any of the allowable level of the constituents and properties in the specification shown in the following table. Used oil fuel that meets the

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specification is subject only to the analysis and recordkeeping requirements under Section 726.143(b) (1) and (b) (6). Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel".

USED OIL EXCEEDING ANY SPECIFICATION
LEVEL IS SUBJECT TO THIS SUBPART WHEN
BURNED FOR ENERGY RECOVERY

Constituent/Property	Allowable Level
Arsenic	5 ppm max
Cadmium	2 ppm max
Chromium	10 ppm max
Lead	100 ppm max
Flash Point	100 degree F min
Total Halogens	4000 ppm max

1) The specification does not apply to used oil or fuel mixed with a hazardous waste other than small quantity generated hazardous waste.

2) Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under subsection (c). Such used oil is subject to Subpart D rather than this Subpart when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(Source: Amended at 16 Ill. Reg. , effective)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d) and (f). In this Subpart, the term "burn" means burning for energy recovery or destruction, or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 apply to facilities operating under interim

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status or under a RCRA permit as specified in Sections 726.202 and 726.203.

BOARD NOTE: This provision does not apply to coke ovens processing coke by-products wastes exhibiting the toxicity characteristic identified in 35 Ill. Adm. Code 721.124 pending completion of a rulemaking proposed by USEPA on July 26, 1991 (56 Fed. Reg. 35787). When that rulemaking is complete, this note will be removed.

b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:

- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Such used oil is subject to regulation under Subpart E rather than this Subpart;
- 2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
- 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(E) - (H), and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
- 4) Coke ovens, if the only hazardous waste burned is USEPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

c) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces, but not including cement kilns, aggregate kilns or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.

- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a

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metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3):

- A) Provide a one-time written notice to the Agency indicating the following:
- i) The owner or operator claims exemption under this subsection;
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2);
 - iii) The hazardous waste contains recoverable levels of metals; and
 - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;
- B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

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- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H, exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C); or
- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C).
- 3) To be exempt from Sections 726.202 - 726.211, an owner or operator of a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns a baghouse gas used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1). The owner or operator shall comply with the requirements of subsection (c)(1) for those wastes claimed to be exempt under that subsection and shall comply with the requirements below for those wastes claimed to be exempt under this subsection.
- A) The hazardous wastes listed in Appendices K and L and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1), provided that:

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- i) A waste listed in Appendix K must contain recoverable levels of lead. A waste listed in Appendix L must contain recoverable levels of nickel or chromium and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal; and
- ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent; and
- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D because it is listed for an organic constituent as identified in 35 Ill. Adm. Code 721. Appendix G; and
- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (C)(1)(B) and records to document compliance with subsection (C)(3) must be kept for at least three years.
- B) The Agency may decide on a case-by-case basis that the toxic organic constituents in a material listed in Appendix K or L that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721. Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:

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- i) The concentration and toxicity of organic constituents in the material; and
- ii) The level of destruction of toxic organic constituents provided by the furnace; and
- iii) Whether the acceptable ambient levels established in Appendices D or E will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- d) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
- e) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- f) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium or ruthenium, or any combination of these, are conditionally exempt from regulation under this Subpart except for Section 726.212. To be exempt from Sections 726.202 - 726.211 an owner or operator shall:
- 1) Provide a one-time written notice to the Agency indicating the following:
- A) The owner or operator claims exemption under this section;
- B) The hazardous waste is burned for legitimate recovery of precious metal; and
- C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this section

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- 2) Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- 3) Maintain at the facility for at least three years records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

- g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

"APCS" means air pollution control system.

"BTF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor which continuously samples the regulated parameter without interruption, and evaluates the detector response at least once each 15 seconds, and computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" means cubic meters.

"E" means "ten to the". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

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"Good engineering practice stack height" is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent 1-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic

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metals for purposes of this Subpart. RACs are specified in Appendix D.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E.

"SSU" is a unit of viscosity.

"TCIP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"TRESH" means terrain-adjusted effective stack height (in meters).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Appendix I ("eye").

"ug" means microgram.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.201 Management prior to Burning

- a) Generators. Generators of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 722.
- b) Transporters. Transporters of hazardous waste that is burned in a BIF are subject to 35 Ill. Adm. Code 723.
- c) Storage facilities.

- 1) Owners and operators of facilities that store hazardous waste that is burned in a BIF are subject to the applicable provisions of 35 Ill. Adm. Code 724.Subparts A through L, 35 Ill. Adm. Code 725.Subparts A through L and 35 Ill. Adm. Code 702 and 703, except as provided by subsection

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(c)(2). These standards apply to storage by the burner as well as to storage facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

- 2) Owners and operators of facilities that burn, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that they generate are exempt from regulation under 35 Ill. Adm. Code 724.Subparts A through L, 35 Ill. Adm. Code 725.Subparts A through L and 35 Ill. Adm. Code 702 and 703 with respect to the storage of mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in subsection (c)(1).

(Source: Added at 16 Ill. Reg. , effective)

Section 726.202 Permit standards for Burners

a) Applicability.

- 1) General. Owners and operators of BIFs burning hazardous waste and not operating under interim status shall comply with the requirements of this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt under the small quantity burner exemption of Section 726.208.

- 2) Applicability of 35 Ill. Adm. Code 724 standards. Owners and operators of BIFs that burn hazardous waste are subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart:

- A) In Subpart A (General), 724.104;
- B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 - 724.118;
- C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 - 724.137;

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- D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 - 724.156;
- E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 - 724.177;
- F) In Subpart F (Corrective Action), 35 Ill. Adm. Code 724.190 and 724.201;
- G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 - 724.215;
- H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243 and 724.247 - 724.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 724.247; and
- I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous waste analysis.

- 1) The owner or operator shall provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in 35 Ill. Adm. Code 721.201. Appendix H that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by analytical procedures prescribed by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111). Alternative methods that meet or exceed the method performance capabilities of SW-846 methods may be used. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method. The 35 Ill. Adm. Code 721.201. Appendix H constituents excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such permit conditions as necessary to protect

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- human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart, as a portion of the trial burn plan that may be submitted before the Part B application under provisions of 35 Ill. Adm. Code 703.232(g) as well as any other analysis required by the Agency. Owners and operators of BIFs not operating under the interim status standards shall provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.
- 2) Throughout normal operation, the owner or operator shall conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.
- c) Emissions standards. Owners and operators shall comply with emissions standards provided by Sections 726.204 through 726.207.
- d) Permits.
- 1) The owner or operator shall burn only hazardous wastes specified in the facility permit and only under the operating conditions specified under subsection (e), except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.
- 2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.208.
- 3) BIFs operating under the interim status standards of Section 726.203 are permitted under procedures provided by 35 Ill. Adm. Code 703.232(g).
- 4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish

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appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206 or Section 726.207. The Agency shall extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure compliance with the emission standards

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Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

e) Operating requirements.

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to ensure compliance with the organic emissions standards.

A) DRE (destruction or removal efficiency) standard. Operating conditions must be specified either: on a case-by-case basis for each hazardous waste burned as those demonstrated (in a trial burn or by alternative data as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a); or, as those special operating requirements provided by Section 726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived under Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste which will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions as appropriate:

1) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6);

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- ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);
 - iii) Appropriate controls of the hazardous waste firing system;
 - iv) Allowable variation in BIF system design or operating procedures;
 - v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured and specified as prescribed in subsection (e)(6);
 - vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6), unless documentation is provided under 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and
 - vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.
- B) CO and hydrocarbon (HC) standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e) and (f). The permit limits must be specified as follows:
- i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;
 - ii) When complying with the alternative CO standard under Section 726.204(c), the permit limit for CO is based on the trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section

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- 726.204(c)(1)), except as provided in Section 726.204(f).
 - iii) When complying with the alternative HC limit for industrial furnaces under Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.
 - C) Start-up and shut-down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements under Sections 726.204(a)(5), 726.205, 726.206 and 726.207) must not be fed into the device unless the device is operating within the conditions of operation specified in the permit.
- 3) Requirements to ensure conformance with the particulate matter (PM) standard.
- A) Except as provided in subsections (e)(3)(B) and (C), the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:
 - i) Total ash feed rate to the device from hazardous waste, other fuels and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6);
 - ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6);
 - iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);

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- iv) Allowable variation in BIF system design including any APCs or operating procedures; and
- v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.211(b) is met.
- B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard under Section 726.205(b);
- C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.
- 4) Requirements to ensure conformance with the metals emissions standard.
- A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of subsections (b) or (e) of Section 726.206, the permit must specify the following operating requirements:
- i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified under provisions of subsection (e)(6);
- ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6);
- iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;
- B) For conformance with the Tier II metals emission rate screening limits under Section 726.206(c) and the Tier III metals controls under Section 726.206(d), the permit must specify the following operating requirements:

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- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
- ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);
- iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6):
total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;
- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6);
- v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);
- vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);
- vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);
- viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCs;
- ix) Allowable variation in BIF system design including any APCs or operating procedures; and
- x) Such other operating requirements as are necessary to ensure that the metals

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standards under Sections 726.206(c) or (d) are met.

C)

For conformance with an alternative implementation approach approved by the Agency under Section 726.206(f), the permit must specify the following operating requirements:

- i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;
- ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);
- iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6): total hazardous waste feed; and total pumpable hazardous waste feed;
- iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6);
- v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);
- vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);
- vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);
- viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

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ix) Allowable variation in BIF system design including any APCs or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards under Sections 726.206(c) or (d) are met.

5) Requirements to ensure conformance with the HCl and chlorine gas standards.

- A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:
 - i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6);
 - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6);
 - iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;
- B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits under Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls under Section 726.207(c), the permit must specify the following operating requirements:
 - i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;
 - ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6);

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- iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6);
 - iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);
 - v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCs;
 - vi) Allowable variation in BIF system design including any APCs or operating procedures; and
 - vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards under Section 726.207(b)(2) or (c) are met.
- 6) Measuring parameters and establishing limits based on trial burn data.

- A) General requirements. As specified in subsections (e)(2) through (e)(5), each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:
 - i) Instantaneous limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or
 - ii) Hourly rolling average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The permit limit for the parameter must be established based on trial burn data as the average

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- over all valid test runs of the highest hourly rolling average value for each run.
- B) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(g)) and lead must be established either on an hourly rolling average basis as prescribed by subsection (e)(6)(A) or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours:
 - i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;
 - ii) Terms are as defined in Section 726.200(g); and
 - iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.
- C) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (e)(6)(A) and (B).
- D) Conduct of trial burn testing.
 - i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to

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demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

- ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

- iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (e).

7) General requirements.

- A) Fugitive emissions. Fugitive emissions must be controlled by:
 - i) Keeping the combustion zone totally sealed against fugitive emissions; or
 - ii) Maintaining the combustion zone pressure lower than atmospheric pressure; or
 - iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

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- B) Automatic waste feed cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established under this section. In addition:

- i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber.
- ii) Exhaust gases must be ducted to the APCs operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and
- iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency shall establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

- C) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections.

- A) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:
 - i) If specified by the permit, feed rates and composition of hazardous waste.

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other fuels and industrial furnace feedstocks, and feed rates of ash, metals and total chlorine and chloride:

- ii) If specified by the permit, CO, HCs and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B). CO, HC and oxygen monitors must be installed, operated and maintained in accordance with methods specified in Appendix I ("eve").

- iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.

- B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

- C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.

- D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

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- E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

- 9) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator shall comply with Section 726.211.

- 10) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the facility.

- 11) Closure. At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.203 Interim status standards for Burners

- a) Purpose, scope, applicability.

- 1) General.

- A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

- B) "Existing" or "in existence" means a BIF that on or before August 21, 1991 is either in operation burning or processing hazardous waste or for which construction (including the ancillary facilities to burn or to process the hazardous waste) has commenced.

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A facility has commenced construction if the owner or operator has obtained the federal, State and local approvals or permits necessary to begin physical construction; and either:

- i) A continuous on-site, physical construction program has begun; or
- ii) The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator shall comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.

2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Sections 726.200(b) or 726.208.

3) Prohibition on burning dioxin-listed wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027.

4) Applicability of 35 Ill. Adm. Code 725 standards. Owners and operators of BIFs that burn hazardous waste and are operating under interim status are subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:

- A) In Subpart A (General), 35 Ill. Adm. Code 725.104;
- B) In Subpart B (General facility standards), 35 Ill. Adm. Code 725.111 - 725.117;

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C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 725.131 - 725.137;

D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 - 725.156;

E) In Subpart E (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 - 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

F) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 725.211 - 725.215;

G) In Subpart H (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243 and 725.247 - 725.251, except that the State of Illinois and the Federal government are exempt from the requirements of 35 Ill. Adm. Code 725.243 and 725.251;

H) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).

5) Special requirements for furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B)) at any location other than the hot end where products are normally discharged or where fuels are normally fired:

- A) Controls.
 - i) The hazardous waste must be fed at a location where combustion gas temperatures are at least 1800 °F;
 - ii) The owner or operator shall determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain

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documentation of such determination in the facility record;

- iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and
- iv) The HC controls of Section 726.204(f) or subsection (c)(5) apply upon certification of compliance under subsection (c) irrespective of the CO level achieved during the compliance test.

B) Burning hazardous waste solely as an ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of these criteria:

- i) The hazardous waste has a total concentration of nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, exceeding 500 ppm by weight, as fired and so is considered to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or

- ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and

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documentation that the waste has not been impermissibly blended must be retained in the facility record.

- 6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c), owners and operators shall not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that:

- A) Hazardous waste may be burned solely as an ingredient; or
- B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours; or
- C) Such waste may be burned if the Agency has documentation to show that, prior to August 21, 1991:
 - i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, 35 Ill. Adm. Code 725.Subparts O or P; and
 - ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for 35 Ill. Adm. Code 725.Subparts O or P; and
 - iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or
 - D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.

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- 7) Direct transfer to the burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator shall comply with Section 726.211.

b) Certification of precompliance.

- 1) The Board incorporates by reference 40 CFR 266.103(b), adopted at 56 Fed. Reg. 7206, February 21, 1991; 56 Fed. Reg. 32688, July 17, 1991; and 56 Fed. Reg. 42511, August 27, 1991. This Section incorporates no later editions or amendments.

- 2) Certain owners and operators were required to file a certification of precompliance with USEPA by August 21, 1991, pursuant to 40 CFR 266.103(b). No separate filing is required with the Agency.

c)

Certification of compliance. The owner or operator shall conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv), under the procedures prescribed by this subsection, except under extensions of time provided by subsection (c)(7). Based on the compliance test, the owner or operator shall submit to the Agency, on or before August 21, 1992, a complete and accurate "certification of compliance" (under subsection (c)(4)) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1).

- 1) Limits on operating conditions. The owner or operator shall establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D)) and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Section 726.204(b) - (e), 726.205, 726.206, 726.207 and subsection (a)(5)(A)(iv) at all times when there is hazardous waste in the unit.

- A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier

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I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;

- B) Feed rate of each metal in the following feedstreams:

i) Total feedstreams, except that industrial furnaces that must comply with the alternative metals implementation approach under subsection (c)(3)(B) must specify limits on the concentration of each metal in collected PM in lieu of feed rate limits for total feedstreams;

ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

iii) Total pumpable hazardous waste feed.

- C) Total feed rate of total chlorine and chloride in total feed streams;

D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

E) CO concentration, and where required, HC concentration in stack gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;

F) Maximum production rate of the device in appropriate units when producing normal product;

G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection.

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(unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)).

H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)).

I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

i) Minimum liquid to flue gas ratio;

ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and

iii) Minimum pH level of the scrubber water;

J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

i) Minimum caustic feed rate; and

ii) Maximum flue gas flow rate;

L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section

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726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

i) Minimum electrical power in kVA to the precipitator plates; and

ii) Maximum flue gas flow rate;

M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

2) Prior notice of compliance testing. At least 30 days prior to the compliance testing required by subsection (c)(3), the owner or operator shall notify the Agency and submit the following information:

A) General facility information including:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number and address;

iii) Person responsible for conducting compliance test, including company name, address and telephone number, and a statement of qualifications;

iv) Planned date of the compliance test;

B) Specific information on each device to be tested including:

i) Description of BIF;

ii) A scaled plot plan showing the entire facility and location of the BIF;

iii) A description of the APCs;

iv) Identification of the continuous emission monitors that are installed.

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including: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system and, if the temperature is less than 150 °C, an explanation of why a heated system is not used (see subsection (c)(5)) and a brief description of the sample gas conditioning system;

- v) Indication of whether the stack is shared with another device that will be in operation during the compliance test;
- vi) Other information useful to an understanding of the system design or operation.

c) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:

- i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and
- ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1).

3) Compliance testing.

A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b) and under conditions established in the notification of compliance testing required by subsection (c)(2). The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator shall provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency shall provide a written approval to use compliance

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test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of subsection (c).

B) Special requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS shall comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

- i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Appendix I ("eye"); or
- ii) Stack emissions testing for a minimum of 6 hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, (c)(1) must be established during operating limits (under subsection compliance testing under subsection (c)(2) only on the following parameters: Feed rate of total hazardous waste; Total feed rate of total chlorine and chloride in total feed streams; Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; Maximum production rate of

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the device in appropriate units when producing normal product; or

- iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

C) Conduct of compliance testing.

- i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.
- ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsections (c)(3)(B)(i) or (ii), however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.

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- iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1).

- 4) Certification of compliance. Within 90 days of completing compliance testing, the owner or operator shall certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e), 726.205, 726.206, 726.207, and subsection (a)(5)(A)(iv). The certification of compliance must include the following information:

- A) General facility and testing information including:
 - i) USEPA facility ID number;
 - ii) Facility name, contact person, telephone number and address;
 - iii) Person responsible for conducting compliance testing, including company name, address and telephone number, and a statement of qualifications;
 - iv) Date(s) of each compliance test;
 - v) Description of BIF tested;
 - vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary.
 - vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under subsection

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(c)(2), and an explanation of why the changes were necessary:

- viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2), and an explanation of why the changes were necessary; and

- ix) The complete report on results of emissions testing.

B) Specific information on each test including:

- i) Purpose(s) of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas and CO)
- ii) Summary of test results for each run and for each test including the following information: Date of run; Duration of run; Time-weighted average and highest hourly rolling average CO level for each run and for the test; Highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; If dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(g)); Time-weighted average PM emissions for each run and for the test; Time-weighted average HCl and chlorine gas emissions for each run and for the test; Time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

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- C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c) and (e), 726.205, 726.206 and 726.207 and established for the facility in the certification of precompliance under subsection (b).

- D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) using either of the following procedures:

- i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test; or
- ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(g). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.
- iii) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from 2 to 24 hours: The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; The continuous monitor is as defined in Section 726.200(g). And the operating limit for the feed rate of each metal

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must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run.

- iv) Feed rate limits for metals, total chlorine and chloride and ash. Feed rate limits for metals, total chlorine and chloride and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (iii).

E)

Certification of compliance statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manages the facility, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at

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which the facility can legally operate during interim status until a revised certification of compliance is submitted."

- 5) Special requirements for HC monitoring systems. When an owner or operator is required to comply with the HC controls provided by Sections 726.204(c) or subsection (a)(5)(A)(iv), a conditioned gas monitoring system may be used in conformance with specifications provided in Appendix I ("eye") provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7).
- 6) Special operating requirements for industrial furnaces that recycle collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must:
- A) When complying with the requirements of subsection (c)(3)(B)(i), comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Appendix I ("eye"); and
- B) When complying with the requirements of subsection (c)(3)(B)(ii), comply with the operating requirements prescribed by that subsection.
- 7) Extensions of time.
- A) If the owner or operator does not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 by August 21, 1992, the owner or operator shall either:
- i) Stop burning hazardous waste and begin closure activities under subsection (l) for the hazardous waste portion of the facility; or
- ii) Limit hazardous waste burning only for purposes of compliance testing (and pretesting to prepare for compliance testing) a total period of 720 hours for

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the period of time beginning August 21, 1992, submit a notification to the Agency by August 21, 1992 stating that the facility is operating under restricted interim status and intends to resume burning hazardous waste, and submit a complete certification of compliance by August 23, 1993; or

iii) Obtain a case-by-case extension of time under subsection (c)(7)(B).

B) Case-by-case extensions of time. See Section 726.219.

3) Revised certification of compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:

A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207:

B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the Agency and submit the following information:

i) USEPA facility ID number, and facility name, contact person, telephone number and address;

ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;

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iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 are not likely to be exceeded. To document this determination, the owner or operator shall submit the applicable information required under subsection (b)(2); and

iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207 when operating under revised operating conditions. The protocol shall include a schedule of pre-testing and compliance testing. If the owner and operator revises the scheduled date for the compliance test, the owner or operator shall notify the Agency in writing at least 30 days prior to the revised date of the compliance test;

C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206 and 726.207; and

D) Submit a revised certification of compliance under subsection (c)(4).

d) Periodic Recertifications. The owner or operator shall conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c) within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator shall comply with the requirements of subsection (c)(8).

e) Noncompliance with certification schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c) and (d), hazardous waste burning must terminate on

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the date that the deadline is missed, closure activities must begin under subsection (1), and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (1) and 35 Ill. Adm. Code 725.212(d)(2) and 725.213 the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.

- f) Start-up and shut-down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.

g) Automatic waste feed cutoff. During the compliance test required by subsection (c)(3), and upon

certification of compliance under subsection (c), a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and (E) - (M) deviate from those established in the certification of compliance. In addition:

- 1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber. With the minimum temperature during the compliance test defined as either:

- A) If compliance with the combustion chamber temperature limit is based on a hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or
- B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted

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average temperature during all runs of the test; and

- 2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.

h) Fugitive emissions. Fugitive emissions must be controlled by:

- 1) Keeping the combustion zone totally sealed against fugitive emissions; or
- 2) Maintaining the combustion zone pressure lower than atmospheric pressure; or
- 3) An alternate means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.
- Support for such demonstration must be included in the operating record.

i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

j) Monitoring and Inspections.

- 1) The owner or operator shall monitor and record the following, at a minimum, while burning hazardous waste:

A) Feed rates and composition of hazardous waste, other fuels and industrial furnace feed stocks, and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;

B) CO, oxygen and, if applicable, HC, on a continuous basis at a common point in the BIF downstream of the combustion zone and prior

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to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC and oxygen monitors must be installed, operated and maintained in accordance with methods specified in Appendix I ("eye").

- c) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206 and 726.207.

- 2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions and signs of tampering.

- 3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every 7 days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.

- 4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.

- k) Recordkeeping. The owner or operator shall keep in the operating record of the facility all information and data required by this Section until closure of the BIF unit.

- l) Closure. At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters

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and scrubber sludges) from the BIF and shall comply with 35 Ill. Adm. Code 725.211 - 725.215.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.204 Standards to control Organic Emissions

- a) DRE standard.

- 1) General. Except as provided in subsection (a)(3), a BIF burning hazardous waste must achieve a DRE of 99.99% for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99% DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2)) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100(I - O)/I$$

where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in 35 Ill. Adm. Code 721. Appendix H that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in 35 Ill. Adm. Code 721. Appendix H or not

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present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

- 3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each POHC designated (under subsection (a)(2)) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta- and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1). In addition, the owner or operator of the BIF shall notify the Agency of intent to burn USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.

- 4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) and are exempt from the DRE trial burn.

- 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) and are exempt from the DRE trial burn.

b) CO standard.

- 1) Except as provided in subsection (c), the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to 7 percent oxygen, dry gas basis.

- 2) CO and oxygen must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and

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Industrial Furnaces Burning Hazardous Waste" in Appendix I ("eye").

- 3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.

c) Alternative CO standard.

- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by subsection (f) for certain industrial furnaces.

- 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to 7 percent oxygen, dry gas basis.

- 3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I ("eye"). CO and oxygen must be continuously monitored in conformance with subsection (b)(2).

- 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to 7 percent oxygen, dry gas basis.

- d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are

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normally discharged and where fuels are normally fired must comply with the HC limits provided by subsections (c) or (f) irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b).

- e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450-750 °F, and industrial furnaces operating under an alternative HC limit established under subsection (f) shall conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1E-05 (1 in 100,000):

- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins (PCDDs) and dibenzofurans (CDDs/CDFs) using Method 23. "Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans (PCDDFs) from Stationary Sources", in Appendix I ("eye");
- 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Appendix I ("eye"). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
- 3) Conduct dispersion modeling using methods recommended in "Guideline on Air Quality Models (Revised)" or the "Hazardous Waste Combustion Air Quality Screening Procedure", which are provided in Appendices I and J, respectively, or "EPA SCREEN Screening Procedure" as described in Screening Procedures for Estimating Air Quality Impact of Stationary Sources (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level

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concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2). The maximum annual average on-site concentration must be used when a person resides on-site; and

4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Appendix E (2.2E-07) must not exceed 1.0.

f)

Alternative HC limit for furnaces with organic matter in raw material. For industrial furnaces that cannot meet the 20 ppmv HC limit because of organic matter in normal raw material, the Agency shall establish an alternative HC limit on a case-by-case basis (under a Part B permit proceeding) at a level that ensures that flue gas HC (and CO) concentrations when burning hazardous waste are not greater than when not burning hazardous waste (the baseline HC level) provided that the owner or operator complies with the following requirements. However, cement kilns equipped with a by-pass duct meeting the requirements of subsection (g), are not eligible for an alternative HC limit.

- 1) The owner or operator shall demonstrate that the facility is designed and operated to minimize HC emissions from fuels and raw materials when the baseline HC (and CO) level is determined. The baseline HC (and CO) level is defined as the average over all valid test runs of the highest hourly rolling average value for each run when the facility does not burn hazardous waste, and produces normal products under normal operating conditions feeding normal feedstocks and fuels. More than one baseline level must be determined if the facility operates under different modes that generate significantly different HC (and CO) levels;
- 2) The owner or operator shall develop an approach to monitor over time changes in the operation of the facility that could reduce the baseline HC level;
- 3) The owner or operator shall conduct emissions testing during the trial burn to:
 - A) Determine the baseline HC (and CO) level;

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- B) Demonstrate that, when hazardous waste is burned, HC (and CO) levels do not exceed the baseline level; and
- C) Identify the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H, that are emitted and conduct dispersion modeling to predict the maximum annual average ground level concentration of each organic compound. On-site ground level concentrations must be considered for this evaluation if a person resides on site.
- i) Sampling and analysis of organic emissions must be conducted using procedures prescribed by the Agency pursuant to 35 Ill. Adm. Code 703.208(a).
- ii) Dispersion modeling must be conducted according to procedures provided by subsection (e)(2); and
- D) Demonstrate that maximum annual average ground level concentrations of the organic compounds identified in subsection (f)(3)(C) do not exceed the following levels:
- i) For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D;
- ii) For the carcinogenic compounds listed in Appendix E, the sum for all compounds of the ratios of the actual ground level concentration to the level established in Appendix E cannot exceed 1.0. To estimate the health risk from chlorinated dibenzo-p-dioxins and dibenzofuran congeners, use the procedures prescribed by subsection (e)(3) to estimate the 2,3,7,8-TCDD toxicity equivalence of the congeners.
- iii) For compounds not listed in Appendix D or E, 0.1 ug/cu m.

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- 4) All HC levels specified under this subsection are to be monitored and reported as specified in subsections (c)(1) and (2).
- g) Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c) and (d) by monitoring in the by-pass duct provided that:
- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
- 2) The by-pass duct diverts a minimum of 10% of kiln off-gas into the duct.
- h) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) and comprehensive organic emissions testing under subsection (f) is conducted.
- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.
- (Source: Added at 16 Ill. Reg. , effective)
- Section 726.205 Standards to control PM
- a) A BIF burning hazardous waste must not emit PM in excess of 180 mg/dry standard cu m (0.08 grains/dry standard cubic foot) after correction to a stack gas concentration of 7% oxygen, using procedures prescribed in 40 CFR 60, Appendix A, methods 1 through 5

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(incorporated by reference in 35 Ill. Adm. Code 720.111), and Appendix I ("eye").

- b) An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.
- c) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.206 Standards to control Metals Emissions

- a) General. The owner or operator shall comply with the metals standards provided by subsections (b), (c), (d), (e) or (f) for each metal listed in subsection (b) that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Appendix A as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7).

- 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the screening limits specified in Appendix A.

- A) The feed rate screening limits for antimony, barium, mercury, thallium and silver are based on either:

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- i) An hourly rolling average as defined in Sections 726.200(a) and 726.202(e)(6)(A)(ii); or
- ii) An instantaneous limit not to be exceeded at any time.

- B) The feed rate screening limit for lead is based on one of the following:

- i) An hourly rolling average as defined in Sections 726.200(a) and 726.202(e)(6)(A)(ii);
- ii) An averaging period of 2 to 24 hours as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or
- iii) An instantaneous limit not to be exceeded at any time.

2) Carcinogenic metals.

- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Appendix A. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/F_i) \leq 1.0$$

where:

SUM(Xi) means the sum of the values of X for each metal "i", from i = 1 to n.

n = number of carcinogenic metals

A_i = actual feed rate to the device for metal "i"

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Fi = feed rate screening limit provided by Appendix A for metal "i".

- B) The feed rate screening limits for the carcinogenic metals are based on either:

- i) An hourly rolling average; or
- ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.

- 3) TESH (terrain adjusted effective stack height).

- A) The TESH is determined according to the following equation:

$$TESH = H + P - T$$

where:

H = Actual physical stack height (m)

P = Plume rise (in m) as determined from Appendix F as a function of stack flow rate and stack gas exhaust temperature.

T = Terrain rise (in m) within five kilometers of the stack.

- B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(g).

- C) If the TESH calculated pursuant to subsection (b)(3)(A) is not listed in Appendices A - C, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.

- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within 5 kilometers of the stack equals or exceeds the

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elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

- 5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Appendices I ("eye") or J shall be used.

- 6) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \cdot V \cdot T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

V = stack gas flow rate (cu m/second); and

T = exhaust temperature (degrees K).

- 7) Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities shall comply with the Tier III standards provided by subsection (d).

- A) The device is located in a narrow valley less than one kilometer wide;

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- B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;
- C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake;
- D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building; or
- E) The Agency determines that standards based on site-specific dispersion modeling are required.

- 8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.

- c) Tier II emission rate screening limits. Emission rate screening limits are specified in Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7).

- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Appendix A.

- 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\text{SUM}(A_i/E_i) \leq 1.0$$

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where:

SUM(X_i) means the sum of the values of X for each metal i, from i = 1 to n.

n = number of carcinogenic metals

A_i = actual emission rate for metal "i"

E_i = emission rate screening limit provided by Appendix A for metal "i".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) and (b)(2)(B). The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

- 4) Definitions and limitations. The definitions and limitations provided by subsection (b) and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by subsection (c): TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.

- 5) Multiple stacks.

- A) Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

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B)

The worst-case stack is determined by procedures provided in subsection (b)(6).

C)

For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.

d)

Tier III site-specific risk assessment.

1)

General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. air dispersion modeling to predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.

2)

Acceptable ambient levels. Appendices D and E list the acceptable ambient levels for purposes of this Subpart. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 1E-05 RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD as described in subsection (d)(3).

3)

Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\text{SUM}(\text{Pi}/\text{Ri}) \leq 1.0$$

where:

SUM(Xi) means the sum of the values of X for each metal i, from i = 1 to n.

n = number of carcinogenic metals

Pi = Predicted ambient concentration for metal i.

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Ri = RSD for metal i.

4)

Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.

5)

Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.

6)

Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A) and (B) and (b)(2)(B). The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

e)

Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limits provided by Appendix A to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by Appendices D and E using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2).

f)

Alternative implementation approaches.

1)

Pursuant to subsection (f)(2), the Agency shall approve on a case-by-case basis approaches to

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implement the Tier II or Tier III metals emission limits provided by subsections (c) or (d) alternative to monitoring the feed rate of metals in each feedstream.

- 2) The emission limits provided by subsection (d) must be determined as follows:

A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Appendix D to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h); and

B) For each carcinogenic metal by:

- i) Back-calculating from the RSD provided in Appendix E to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h); and

- ii) If more than one carcinogenic metal is emitted, selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i) such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.

g) Emission testing.

- 1) General. Emission testing for metals must be conducted using the Multiple Metals Train as described in Appendix I ("eye").
- 2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to

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determine hexavalent chromium emissions using procedures prescribed in Appendix I ("eye").

- h) Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in Appendix J, the "Hazardous Waste Combustion Air Quality Screening Procedure" described in Appendix I ("eye"), or "EPA SCREEN Screening Procedure" as described in Screening Procedures for Estimating Air Quality Impact of Stationary Sources (the latter document is incorporated by reference, see 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.

- i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

- a) General. The owner or operator shall comply with the HCl and chlorine gas controls provided by subsections (b) or (c).

- b) Screening limits.

- 1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in Appendix B as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the levels specified.

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- 2) Tier II emission rate screening limits. Emission rate screening limits for HCl and chlorine gas are specified in Appendix C as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.
- 3) Definitions and limitations. The definitions and limitations provided by Section 726.200(g) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
- 4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
- A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).
- B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.
- C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.
- c) Tier III site-specific risk assessments.
- 1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.

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- 2) Acceptable ambient levels. Appendix D lists the RACs for HCl (7 ug/cu m) and chlorine gas (0.4 ug/cu m).
- 3) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.
- d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and Tier III, the feed rate of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either:
- 1) An hourly rolling average as defined in Section 726.200(g) and 726.202(e)(6); or
- 2) An instantaneous basis not to be exceeded at any time.
- e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by Appendix B to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Appendix D using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.
- f) Emissions testing. Emissions testing for HCl and chlorine gas must be conducted using the procedures described in Appendix I ("eye").

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- g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.208 Small quantity On-site Burner Exemption

- a) Exempt quantities. Owners and operators of facilities that burn hazardous waste in an on-site BIF are exempt from the requirements of this Subpart provided that:
- 1) The quantity of hazardous waste burned in a device for a calendar month does not exceed the limits provided in the Table A based on the TESH as defined in Section 726.200(g) and 726.206(b)(3).
 - 2) The maximum hazardous waste firing rate does not exceed at any time 1 percent of the total fuel requirements for the device (hazardous waste plus other fuel) on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste;
 - 3) The hazardous waste has a minimum heating value of 5,000 Btu/lb. as generated; and
 - 4) The hazardous waste fuel does not contain (and is not derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.
- b) Mixing with nonhazardous fuels. If hazardous waste fuel is mixed with a nonhazardous fuel, the quantity of hazardous waste before such mixing is used to comply with subsection (a).

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- c) Multiple stacks. If an owner or operator burns hazardous waste in more than one on-site BIF exempt under this Section, the quantity limits provided by subsection (a)(1) are implemented according to the following equation:
- $$\text{SUM}(Ci/Li) \leq 1.0$$
- where:
- SUM(Xi) means the sum of the values of X for each stack i, from i = 1 to n.
- n means the number of stacks:
- Ci = Actual Quantity Burned means the waste quantity burned per month in device "i".
- Li = Allowable Quantity Burned means the maximum allowable exempt quantity for stack "i" from Table A.
- BOARD NOTE: Hazardous wastes that are subject to the special requirements for small quantity generators under 35 Ill. Adm. Code 721.105 may be burned in an off-site device under the exemption provided by Section 726.208, but must be included in the quantity determination for the exemption.
- Notification requirements. The owner or operator of facilities qualifying for the small quantity burner exemption under this Section shall provide a one-time signed, written notice to the Agency indicating the following:
- 1) The combustion unit is operating as a small quantity burner of hazardous waste;
 - 2) The owner and operator are in compliance with the requirements of this Section; and
 - 3) The maximum quantity of hazardous waste that the facility is allowed to burn per month as provided by Section 726.208(a)(1).
- e) Recordkeeping requirements. The owner or operator shall maintain at the facility for at least three years sufficient records documenting compliance with the hazardous waste quantity, firing rate and heating value limits of this Section. At a minimum, these records

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must indicate the quantity of hazardous waste and other fuel burned in each unit per calendar month and the heating value of the hazardous waste.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.209 Low risk waste Exemption

- a) Waiver of DRE standard. The DRE standard of Section 726.204(a) does not apply if the BIF is operated in conformance with subsection (a)(1) and the owner or operator demonstrates by procedures prescribed in subsection (a)(2) that the burning will not result in unacceptable adverse health effects.

1) The device must be operated as follows:

- A) A minimum of 50 percent of fuel fired to the device must be fossil fuel, fuels derived from fossil fuel, tall oil or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;

- B) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb;

- C) The hazardous waste is fired directly into the primary fuel flame zone of the combustion chamber; and

- D) The device operates in conformance with the CO controls provided by Section 726.204(b)(1). Devices subject to the exemption provided by this Section are not eligible for the alternative CO controls provided by Section 726.204(c).

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- 2) Procedures to demonstrate that the hazardous waste burning will not pose unacceptable adverse public health effects are as follows:

- A) Identify and quantify those nonmetal compounds listed in 35 Ill. Adm. Code 721. Appendix H, that could reasonably be expected to be present in the hazardous waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained;

- B) Calculate reasonable, worst case emission rates for each constituent identified in subsection (a)(2)(A) by assuming the device achieves 99.9 percent destruction and removal efficiency. That is, assume that 0.1 percent of the mass weight of each constituent fed to the device is emitted.

- C) For each constituent identified in subsection (a)(2)(A), use emissions dispersion modeling to predict the maximum annual average ground level concentration of the constituent.

- i) Dispersion modeling must be conducted using methods specified in Section 726.206(h).

- ii) Owners and operators of facilities with more than one on-site stack from a BIF that is exempt under this Section shall conduct dispersion modeling of emissions from all stacks exempt under this Section to predict ambient levels prescribed by this subsection.

- D) Ground level concentrations of constituents predicted under subsection (a)(2)(C) must not exceed the following levels:

- i) For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D;

- ii) For the carcinogenic compounds listed in Appendix E, the sum for all constituents of the ratios of the actual ground level

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concentration to the level established in Appendix E cannot exceed 1.0; and
 iii) For constituents not listed in Appendix D or E, 0.1 ug/cu m.

b) Waiver of particular matter standard. The PM standard of Section 726.205 does not apply if:

- 1) The DRE standard is waived under subsection (a); and
- 2) The owner or operator complies with the Tier I, or adjusted Tier I, metals feed rate screening limits provided by Section 726.206(b) or (e).

(Source: Added at 16 Ill. Reg. , effective)

Section 726.210 Waiver of DRE trial burn for Boilers

Boilers that operate under the special requirements of this Section, and that do not burn hazardous waste containing (or derived from) USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027, are considered to be in conformance with the DRE standard of Section 726.204(a), and a trial burn to demonstrate DRE is waived. When burning hazardous waste:

- a) A minimum of 50 percent of fuel fired to the devices must be fossil fuel, fuels derived from fossil fuel, tall oil or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired.

- b) Boiler load must not be less than 40 percent. Boiler load is the ratio at any time of the total heat input to the maximum design heat input.

- c) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb. and each material fired in a burner where hazardous waste is fired must have a heating value of at least 8,000 Btu/lb. as-fired;

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- d) The device must operate in conformance with the CO standard provided by Section 726.204(b)(1). Boilers subject to the waiver of the DRE trial burn provided by this Section are not eligible for the alternative CO standard provided by Section 726.204(c);

- e) The boiler must be a water tube type boiler that does not feed fuel using a stoker or stoker type mechanism; and

- f) The hazardous waste must be fired directly into the primary fuel flame zone of the combustion chamber with an air or steam atomization firing system, mechanical atomization system or a rotary cup atomization system under the following conditions:

- 1) Viscosity. The viscosity of the hazardous waste fuel as-fired must not exceed 300 SSU;
- 2) Particle size. When a high pressure air or steam atomizer, low pressure atomizer or mechanical atomizer is used, 70% of the hazardous waste fuel must pass through a 200 mesh (74 micron) screen, and when a rotary cup atomizer is used, 70% of the hazardous waste must pass through a 100 mesh (150 micron) screen;

- 3) Mechanical atomization systems. Fuel pressure within a mechanical atomization system and fuel flow rate must be maintained within the design range taking into account the viscosity and volatility of the fuel;

- 4) Rotary cup atomization systems. Fuel flow rate through a rotary cup atomization system must be maintained within the design range taking into account the viscosity and volatility of the fuel.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.211 Standards for direct Transfer

- a) Applicability. The regulations in this Section apply to owners and operators of Birs subject to Sections 726.202 or 726.203 if hazardous waste is directly transferred from a transport vehicle to a Bir without the use of a storage unit.

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b) Definitions.

- 1) When used in this Section, the following terms have the meanings given below:

Direct transfer equipment means any device (including but not limited to, such devices as piping, fittings, flanges, valves and pumps) that is used to distribute, meter or control the flow of hazardous waste between a container (i.e., transport vehicle) and a BIF.

Container means any portable device in which hazardous waste is transported, stored, treated or otherwise handled, and includes transport vehicles that are containers themselves (e.g., tank trucks, tanker-trailers and rail tank cars) and containers placed on or in a transport vehicle.

- 2) This Section references several requirements provided in 35 Ill. Adm. Code 724 and 725. Subparts I and J. For purposes of this Section, the term "tank systems" in those referenced requirements means direct transfer equipment as defined in subsection (b)(1).

c) General operating requirements.

- 1) No direct transfer of a pumpable hazardous waste must be conducted from an open-top container to a BIF.
- 2) Direct transfer equipment used for pumpable hazardous waste must always be closed, except when necessary to add or remove the waste, and must not be opened, handled or stored in a manner that could cause any rupture or leak.
- 3) The direct transfer of hazardous waste to a BIF must be conducted so that it does not:
 - A) Generate extreme heat or pressure, fire, explosion or violent reaction;

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- B) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health;
 - C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - D) Damage the structural integrity of the container or direct transfer equipment containing the waste;
 - E) Adversely affect the capability of the BIF to meet the standards provided by Sections 726.204 through 726.207; or
 - F) Threaten human health or the environment.
- 4) Hazardous waste must not be placed in direct transfer equipment, if it could cause the equipment or its secondary containment system to rupture, leak, corrode or otherwise fail.
 - 5) The owner or operator of the facility shall use appropriate controls and practices to prevent spills and overflows from the direct transfer equipment or its secondary containment systems. These include at a minimum:
 - A) Spill prevention controls (e.g., check valves, dry discount couplings); and
 - B) Automatic waste feed cutoff to use if a leak or spill occurs from the direct transfer equipment.
- d) Areas where direct transfer vehicles (containers) are located. Applying the definition of container under this Section, owners and operators shall comply with the following requirements:
 - 1) The containment requirements of 35 Ill. Adm. Code 724.275;
 - 2) The use and management requirements of 35 Ill. Adm. Code 725. Subpart I, except for Sections 725.270 and 725.274, and except that in lieu of the special requirements of 35 Ill. Adm. Code 725.276 for ignitable or reactive waste, the owner

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or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys or an adjacent property line that can be built upon as required in Tables 2-1 through 2-6 of NPPA 30 (incorporated by reference in 35 Ill. Adm. Code 720.111). The owner or operator shall obtain and keep on file at the facility a written certification by the local fire Marshal that the installation meets the subject NPPA Codes; and

- 3) The closure requirements of 35 Ill. Adm. Code 724.278.

e) Direct transfer equipment. Direct transfer equipment must meet the following requirements:

- 1) Secondary containment. Owners and operators shall comply with the secondary containment requirements of 35 Ill. Adm. Code 725.293, except for subsections 725.293(a), (d), (e) and (i) as follows:

- A) For all new direct transfer equipment, prior to their being put into service; and
- B) For existing direct transfer equipment, by August 21, 1993.

- 2) Requirements prior to meeting secondary containment requirements.

- A) For existing direct transfer equipment that does not have secondary containment, the owner or operator shall determine whether the equipment is leaking or is unfit for use. The owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by a qualified registered professional engineer in accordance with 35 Ill. Adm. Code 703.126(d) that attests to the equipment's integrity by August 21, 1992.

- B) This assessment must determine whether the direct transfer equipment is adequately designed and has sufficient structural strength and compatibility with the waste(s)

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to be transferred to ensure that it will not collapse, rupture or fail. At a minimum, this assessment must consider the following:

- i) Design standard(s), if available, according to which the direct transfer equipment was constructed;
 - ii) Hazardous characteristics of the waste(s) that have been or will be handled;
 - iii) Existing corrosion protection measures;
 - iv) Documented age of the equipment, if available, (otherwise, an estimate of the age); and
 - v) Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets, cracks, leaks, corrosion and erosion are accounted for.
- C) If, as a result of the assessment specified above, the direct transfer equipment is found to be leaking or unfit for use, the owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725.296(a) and (b).

- 3) Inspections and recordkeeping.

- A) The owner or operator shall inspect at least once each operating hour when hazardous waste is being transferred from the transport vehicle (container) to the BIF:

- i) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems and drainage systems) to ensure that it is in good working order;
- ii) The above ground portions of the direct transfer equipment to detect corrosion, erosion or releases of waste (e.g., wet spots, dead vegetation); and
- iii) Data gathered from monitoring equipment and leak-detection equipment, (e.g.,

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pressure and temperature gauges) to ensure that the direct transfer equipment is being operated according to its design.

- B) The owner or operator shall inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided by 35 Ill. Adm. Code 725.295(b):

- C) Records of inspections made under this subsection must be maintained in the operating record at the facility, and available for inspection for at least 3 years from the date of the inspection.

- 4) Design and installation of new ancillary equipment. Owners and operators shall comply with the requirements of 35 Ill. Adm. Code 725.292.

- 5) Response to leaks or spills. Owners and operators shall comply with the requirements of 35 Ill. Adm. Code 725.296.

- 6) Closure. Owners and operators shall comply with the requirements of 35 Ill. Adm. Code 725.297, except for 35 Ill. Adm. Code 725.297(c)(2) through (c)(4).

(Source: Added at 16 Ill. Reg. , effective)

Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (7) or (8) unless the device and the owner or operator meet the following requirements:

- a) The device meets the following criteria:

- 1) Boilers. Boilers must burn at least 50% coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;
- 2) Ore or mineral furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must

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process at least 50% by weight normal, nonhazardous raw materials;

- 3) Cement kilns. Cement kilns must process at least 50% by weight normal cement-production raw materials;

- b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

- 1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain 35 Ill. Adm. Code 721.104 Appendix H constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include organic compounds listed in 35 Ill. Adm. Code 721.104 Appendix H that may be PICs. Sampling and analyses must be in conformance with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

- A) Normal residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95% confidence with a 95% proportion of the sample distribution) of the concentration in the normal residue shall be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived

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concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator shall use statistical procedures prescribed in "Statistical Methodology for Bevill Residue Determinations" in Appendix I ("eye").

- B) Waste-derived residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A). If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

- 2) Comparison of waste-derived residue concentrations with health-based limits.

- A) Nonmetal constituents. The concentrations of nonmetal toxic constituents of concern (specified in subsection (b)(1)) in the waste-derived residue must not exceed the health-based levels specified in Appendix G. If a health-based limit for a constituent of concern is not listed in Appendix G, then a limit of 0.002 ug/kg or the level of detection (using analytical procedures prescribed in SW-846, incorporated by

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reference in 35 Ill. Adm. Code 720.111), whichever is higher, must be used; and

- B) Metal constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Appendix G; and
- C) Sampling and analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24 hour period has concentrations of toxic constituents which are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24 hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and
- c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:
- 1) Levels of constituents in 35 Ill. Adm. Code 721.Appendix H that are present in waste-derived residues;
 - 2) If the waste-derived residue is compared with normal residue under subsection (b)(1):
 - A) The levels of constituents in 35 Ill. Adm. Code 721.Appendix H that are present in normal residues; and
 - B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic

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constituents of concern in the normal residue.

(Source: Added at 16 Ill. Reg. , effective

Section 726.219 Extensions of Time

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator shall file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable for reasons beyond the control of the owner or operator.

- a) In granting an extension, the Board will apply conditions as the facts warrant to ensure timely compliance with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment.
- b) When an owner and operator request an extension of time to enable them to obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):

- 1) The Board will, in considering whether to grant the extension:

A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and

B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HCl/chlorine gas.

- 2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

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BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii), adopted at 56 Fed. Reg. 7206, February 21, 1991; and 56 Fed. Reg. 32688, July 17, 1991.

(Source: Added at 16 Ill. Reg. , effective

Section 726.Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

I-A
Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain
(Values for Urban Areas)

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	6.0E+01	1.0E+04	1.8E+01	6.0E+01	6.0E+02	6.0E+01
6	6.8E+01	1.1E+04	2.0E+01	6.8E+01	6.8E+02	6.8E+01
8	7.6E+01	1.3E+04	2.3E+01	7.6E+01	7.6E+02	7.6E+01
10	8.4E+01	1.4E+04	2.6E+01	8.4E+01	8.4E+02	8.4E+01
12	9.2E+01	1.7E+04	3.0E+01	9.2E+01	9.2E+02	9.2E+01
14	1.0E+02	1.8E+04	3.4E+01	1.1E+02	1.1E+03	1.1E+02
16	1.3E+02	2.1E+04	3.8E+01	1.3E+02	1.3E+03	1.3E+02
18	1.4E+02	2.4E+04	4.3E+01	1.4E+02	1.4E+03	1.4E+02
20	1.6E+02	2.7E+04	4.6E+01	1.6E+02	1.6E+03	1.6E+02
22	1.8E+02	3.0E+04	5.4E+01	1.8E+02	1.8E+03	1.8E+02
24	2.3E+02	3.4E+04	6.0E+01	2.0E+02	2.0E+03	2.0E+02
26	2.6E+02	3.9E+04	7.8E+01	2.3E+02	2.3E+03	2.3E+02
28	3.0E+02	4.3E+04	7.8E+01	2.6E+02	2.6E+03	2.6E+02
30	4.0E+02	5.0E+04	9.0E+01	3.0E+02	3.0E+03	3.0E+02
32	4.6E+02	6.6E+04	1.1E+02	4.0E+02	4.0E+03	4.0E+02
34	6.0E+02	7.8E+04	1.4E+02	4.6E+02	4.6E+03	4.6E+02
36	6.0E+02	1.0E+05	1.8E+02	6.0E+02	6.0E+03	6.0E+02
38	7.8E+02	1.3E+05	2.3E+02	7.8E+02	7.8E+03	7.8E+02
40	9.6E+02	1.7E+05	3.0E+02	9.6E+02	9.6E+03	9.6E+02
42	1.2E+03	2.0E+05	3.6E+02	1.2E+03	1.2E+04	1.2E+03
44	1.5E+03	2.5E+05	4.3E+02	1.5E+03	1.5E+04	1.5E+03
46	1.7E+03	2.8E+05	5.0E+02	1.7E+03	1.7E+04	1.7E+03
48	1.9E+03	3.2E+05	5.8E+02	1.9E+03	1.9E+04	1.9E+03
50	2.2E+03	3.6E+05	6.4E+02	2.2E+03	2.2E+04	2.2E+03
52	2.5E+03	4.0E+05	7.6E+02	2.5E+03	2.5E+04	2.5E+03
54	2.8E+03	4.6E+05	9.2E+02	2.8E+03	2.8E+04	2.8E+03
56	3.2E+03	5.4E+05	9.2E+02	3.2E+03	3.2E+04	3.2E+03
58	3.6E+03	6.0E+05	1.1E+03	3.6E+03	3.6E+04	3.6E+03
60	4.0E+03	6.8E+05	1.2E+03	4.0E+03	4.0E+04	4.0E+03
62	4.6E+03	7.8E+05	1.4E+03	4.6E+03	4.6E+04	4.6E+03
64	5.4E+03	8.4E+05	1.6E+03	5.4E+03	5.4E+04	5.4E+03
66	6.0E+03	1.0E+06	1.8E+03	6.0E+03	6.0E+04	6.0E+03

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I-B

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain
(Values for rural areas)

IESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	3.1E+01	5.2E+03	9.4E+00	3.1E+01	3.1E+02	3.1E+01
6	3.6E+01	6.0E+03	1.1E+01	3.6E+01	3.6E+02	3.6E+01
8	4.0E+01	6.8E+03	1.2E+01	4.0E+01	4.0E+02	4.0E+01
10	4.6E+01	7.8E+03	1.4E+01	4.6E+01	4.6E+02	4.6E+01
12	5.8E+01	9.6E+03	1.7E+01	5.8E+01	5.8E+02	5.8E+01
14	6.8E+01	1.1E+04	2.1E+01	6.8E+01	6.8E+02	6.8E+01
16	8.6E+01	1.4E+04	2.6E+01	8.6E+01	8.6E+02	8.6E+01
18	1.1E+02	1.8E+04	3.2E+01	1.1E+02	1.1E+03	1.1E+02
20	1.3E+02	2.2E+04	4.0E+01	1.3E+02	1.3E+03	1.3E+02
22	1.7E+02	2.8E+04	5.0E+01	1.7E+02	1.7E+03	1.7E+02
24	2.2E+02	3.6E+04	6.4E+01	2.2E+02	2.2E+03	2.2E+02
26	2.8E+02	4.6E+04	8.2E+01	2.8E+02	2.8E+03	2.8E+02
28	3.5E+02	5.8E+04	1.0E+02	3.5E+02	3.5E+03	3.5E+02
30	4.3E+02	7.6E+04	1.3E+02	4.3E+02	4.3E+03	4.3E+02
32	5.2E+02	1.2E+05	1.6E+02	5.2E+02	5.2E+03	5.2E+02
34	6.2E+02	1.8E+05	2.1E+02	6.2E+02	6.2E+03	6.2E+02
36	7.4E+02	2.5E+05	2.6E+02	7.4E+02	7.4E+03	7.4E+02
38	8.8E+02	3.3E+05	3.2E+02	8.8E+02	8.8E+03	8.8E+02
40	1.0E+03	4.4E+05	4.0E+02	1.0E+03	1.0E+04	1.0E+03
42	1.2E+03	5.8E+05	5.0E+02	1.2E+03	1.2E+04	1.2E+03
44	1.4E+03	7.6E+05	6.4E+02	1.4E+03	1.4E+04	1.4E+03
46	1.6E+03	1.0E+06	8.2E+02	1.6E+03	1.6E+04	1.6E+03
48	1.8E+03	1.4E+06	1.0E+03	1.8E+03	1.8E+04	1.8E+03
50	2.1E+03	1.8E+06	1.3E+03	2.1E+03	2.1E+04	2.1E+03
52	2.4E+03	2.5E+06	1.6E+03	2.4E+03	2.4E+04	2.4E+03
54	2.8E+03	3.3E+06	2.1E+03	2.8E+03	2.8E+04	2.8E+03
56	3.2E+03	4.4E+06	2.6E+03	3.2E+03	3.2E+04	3.2E+03
58	3.6E+03	5.8E+06	3.2E+03	3.6E+03	3.6E+04	3.6E+03
60	4.0E+03	7.6E+06	4.0E+03	4.0E+03	4.0E+04	4.0E+03
62	4.6E+03	1.0E+07	5.0E+03	4.6E+03	5.0E+04	4.6E+03
64	5.2E+03	1.4E+07	6.4E+03	5.2E+03	6.4E+04	5.2E+03
66	5.8E+03	1.8E+07	8.2E+03	5.8E+03	8.2E+04	5.8E+03
68	6.2E+03	2.5E+07	1.0E+04	6.2E+03	1.0E+05	6.2E+03
70	6.8E+03	3.3E+07	1.3E+04	6.8E+03	1.3E+05	6.8E+03
72	7.4E+03	4.4E+07	1.6E+04	7.4E+03	1.6E+05	7.4E+03
74	8.8E+03	5.8E+07	2.1E+04	8.8E+03	2.1E+05	8.8E+03
76	1.0E+04	7.6E+07	2.6E+04	1.0E+04	2.6E+05	1.0E+04
78	1.2E+04	1.0E+08	3.2E+04	1.2E+04	3.2E+05	1.2E+04
80	1.4E+04	1.4E+08	4.0E+04	1.4E+04	4.0E+05	1.4E+04
82	1.6E+04	1.8E+08	5.0E+04	1.6E+04	5.0E+05	1.6E+04
84	1.8E+04	2.5E+08	6.4E+04	1.8E+04	6.4E+05	1.8E+04
86	2.1E+04	3.3E+08	8.2E+04	2.1E+04	8.2E+05	2.1E+04
88	2.4E+04	4.4E+08	1.0E+05	2.4E+04	1.0E+06	2.4E+04
90	2.8E+04	5.8E+08	1.3E+05	2.8E+04	1.3E+06	2.8E+04
92	3.2E+04	7.6E+08	1.6E+05	3.2E+04	1.6E+06	3.2E+04
94	3.6E+04	1.0E+09	2.1E+05	3.6E+04	2.1E+06	3.6E+04
96	4.0E+04	1.4E+09	2.6E+05	4.0E+04	2.6E+06	4.0E+04
98	4.6E+04	1.8E+09	3.2E+05	4.6E+04	3.2E+06	4.6E+04
100	5.2E+04	2.5E+09	4.0E+05	5.2E+04	4.0E+06	5.2E+04
102	5.8E+04	3.3E+09	5.0E+05	5.8E+04	5.0E+06	5.8E+04
104	6.2E+04	4.4E+09	6.4E+05	6.2E+04	6.4E+06	6.2E+04
106	6.8E+04	5.8E+09	8.2E+05	6.8E+04	8.2E+06	6.8E+04
108	7.4E+04	7.6E+09	1.0E+06	7.4E+04	1.0E+07	7.4E+04
110	8.8E+04	1.0E+10	1.3E+06	8.8E+04	1.3E+07	8.8E+04
112	1.0E+05	1.4E+10	1.6E+06	1.0E+05	1.6E+07	1.0E+05
114	1.2E+05	1.8E+10	2.1E+06	1.2E+05	2.1E+07	1.2E+05
116	1.4E+05	2.5E+10	2.6E+06	1.4E+05	2.6E+07	1.4E+05
118	1.6E+05	3.3E+10	3.2E+06	1.6E+05	3.2E+07	1.6E+05
120	1.8E+05	4.4E+10	4.0E+06	1.8E+05	4.0E+07	1.8E+05

I-C

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain

IESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	1.4E+01	2.4E+03	4.3E+00	1.4E+01	1.4E+02	1.4E+01
6	1.6E+01	3.5E+03	6.2E+00	1.6E+01	1.6E+02	1.6E+01
8	2.0E+01	5.0E+03	9.2E+00	2.0E+01	2.0E+02	2.0E+01
10	2.4E+01	7.6E+03	1.3E+01	2.4E+01	2.4E+02	2.4E+01
12	2.8E+01	1.0E+04	1.7E+01	2.8E+01	2.8E+02	2.8E+01
14	3.2E+01	1.4E+04	2.0E+01	3.2E+01	3.2E+02	3.2E+01
16	3.6E+01	1.8E+04	2.4E+01	3.6E+01	3.6E+02	3.6E+01
18	4.0E+01	2.5E+04	2.8E+01	4.0E+01	4.0E+02	4.0E+01
20	4.6E+01	3.3E+04	3.2E+01	4.6E+01	4.6E+02	4.6E+01
22	5.2E+01	4.4E+04	4.0E+01	5.2E+01	5.2E+02	5.2E+01
24	5.8E+01	5.8E+04	5.0E+01	5.8E+01	5.8E+02	5.8E+01
26	6.2E+01	7.6E+04	6.4E+01	6.2E+01	6.4E+02	6.2E+01
28	6.8E+01	1.0E+05	8.2E+01	6.8E+01	8.2E+02	6.8E+01
30	7.4E+01	1.4E+05	1.0E+02	7.4E+01	1.0E+03	7.4E+01
32	8.8E+01	1.8E+05	1.3E+02	8.8E+01	1.3E+03	8.8E+01
34	1.0E+02	2.5E+05	1.6E+02	1.0E+02	1.6E+03	1.0E+02
36	1.2E+02	3.3E+05	2.1E+02	1.2E+02	2.1E+03	1.2E+02
38	1.4E+02	4.4E+05	2.6E+02	1.4E+02	2.6E+03	1.4E+02
40	1.6E+02	5.8E+05	3.2E+02	1.6E+02	3.2E+03	1.6E+02
42	1.8E+02	7.6E+05	4.0E+02	1.8E+02	4.0E+03	1.8E+02
44	2.1E+02	1.0E+06	5.0E+02	2.1E+02	5.0E+03	2.1E+02
46	2.4E+02	1.4E+06	6.4E+02	2.4E+02	6.4E+03	2.4E+02
48	2.8E+02	1.8E+06	8.2E+02	2.8E+02	8.2E+03	2.8E+02
50	3.2E+02	2.5E+06	1.0E+03	3.2E+02	1.0E+04	3.2E+02
52	3.6E+02	3.3E+06	1.3E+03	3.6E+02	1.3E+04	3.6E+02
54	4.0E+02	4.4E+06	1.6E+03	4.0E+02	1.6E+04	4.0E+02
56	4.6E+02	5.8E+06	2.1E+03	4.6E+02	2.1E+04	4.6E+02
58	5.2E+02	7.6E+06	2.6E+03	5.2E+02	2.6E+04	5.2E+02
60	5.8E+02	1.0E+07	3.2E+03	5.8E+02	3.2E+04	5.8E+02
62	6.2E+02	1.4E+07	4.0E+03	6.2E+02	4.0E+04	6.2E+02
64	6.8E+02	1.8E+07	5.0E+03	6.8E+02	5.0E+04	6.8E+02
66	7.4E+02	2.5E+07	6.4E+03	7.4E+02	6.4E+04	7.4E+02
68	8.8E+02	3.3E+07	8.2E+03	8.8E+02	8.2E+04	8.8E+02
70	1.0E+03	4.4E+07	1.0E+04	1.0E+03	1.0E+05	1.0E+03
72	1.2E+03	5.8E+07	1.3E+04	1.2E+03	1.3E+05	1.2E+03
74	1.4E+03	7.6E+07	1.6E+04	1.4E+03	1.6E+05	1.4E+03
76	1.6E+03	1.0E+08	2.1E+04	1.6E+03	2.1E+05	1.6E+03
78	1.8E+03	1.4E+08	2.6E+04	1.8E+03	2.6E+05	1.8E+03
80	2.1E+03	1.8E+08	3.2E+04	2.1E+03	3.2E+05	2.1E+03
82	2.4E+03	2.5E+08	4.0E+04	2.4E+03	4.0E+05	2.4E+03
84	2.8E+03	3.3E+08	5.0E+04	2.8E+03	5.0E+05	2.8E+03
86	3.2E+03	4.4E+08	6.4E+04	3.2E+03	6.4E+05	3.2E+03
88	3.6E+03	5.8E+08	8.2E+04	3.6E+03	8.2E+05	3.6E+03
90	4.0E+03	7.6E+08	1.0E+05	4.0E+03	1.0E+06	4.0E+03
92	4.6E+03	1.0E+09	1.3E+05	4.6E+03	1.3E+06	4.6E+03
94	5.2E+03	1.4E+09	1.6E+05	5.2E+03	1.6E+06	5.2E+03
96	5.8E+03	1.8E+09	2.1E+05	5.8E+03	2.1E+06	5.8E+03
98	6.2E+03	2.5E+09	2.6E+05	6.2E+03	2.6E+06	6.2E+03
100	6.8E+03	3.3E+09	3.2E+05	6.8E+03	3.2E+06	6.8E+03
102	7.4E+03	4.4E+09	4.0E+05	7.4E+03	4.0E+06	7.4E+03
104	8.8E+03	5.8E+09	5.0E+05	8.8E+03	5.0E+06	8.8E+03
106	1.0E+04	7.6E+09	6.4E+05	1.0E+04	6.4E+06	1.0E+04
108	1.2E+04	1.0E+10	8.2E+05	1.2E+04	8.2E+06	1.2E+04
110	1.4E+04	1.4E+10	1.0E+06	1.4E+04	1.0E+07	1.4E+04
112	1.6E+04	1.8E+10	1.3E+06	1.6E+04	1.3E+07	1.6E+04
114	1.8E+04	2.5E+10	1.6E+06	1.8E+04	1.6E+07	1.8E+04
116	2.1E+04	3.3E+10	2.1E+06	2.1E+04	2.1E+07	2.1E+04
118	2.4E+04	4.4E+10	2.6E+06	2.4E+04	2.6E+07	2.4E+04
120	2.8E+04	5.8E+10	3.2E+06	2.8E+04	3.2E+07	2.8E+04

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

I-P

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain										
Values for use in urban areas					7-D	Values for use in rural areas				
45	3.0E+02	5.0E+04	9.0E+01	3.0E+02	3.0E+02	3.0E+02	3.0E+02	3.0E+02	3.0E+02	
50	3.6E+02	6.0E+04	1.1E+02	3.6E+02	3.6E+02	3.6E+02	3.6E+02	3.6E+02	3.6E+02	
55	4.6E+02	7.6E+04	1.4E+02	4.6E+02	4.6E+02	4.6E+02	4.6E+02	4.6E+02	4.6E+02	
60	5.8E+02	9.4E+04	1.7E+02	5.8E+02	5.8E+02	5.8E+02	5.8E+02	5.8E+02	5.8E+02	
65	6.8E+02	1.1E+05	2.1E+02	6.8E+02	6.8E+02	6.8E+02	6.8E+02	6.8E+02	6.8E+02	
70	7.8E+02	1.3E+05	2.4E+02	7.8E+02	7.8E+02	7.8E+02	7.8E+02	7.8E+02	7.8E+02	
75	8.6E+02	1.4E+05	2.6E+02	8.6E+02	8.6E+02	8.6E+02	8.6E+02	8.6E+02	8.6E+02	
80	9.6E+02	1.6E+05	2.9E+02	9.6E+02	9.6E+02	9.6E+02	9.6E+02	9.6E+02	9.6E+02	
85	1.1E+03	1.8E+05	3.3E+02	1.1E+03	1.1E+03	1.1E+03	1.1E+03	1.1E+03	1.1E+03	
90	1.2E+03	2.0E+05	3.6E+02	1.2E+03	1.2E+03	1.2E+03	1.2E+03	1.2E+03	1.2E+03	
95	1.4E+03	2.3E+05	4.0E+02	1.4E+03	1.4E+03	1.4E+03	1.4E+03	1.4E+03	1.4E+03	
100	1.5E+03	2.6E+05	4.6E+02	1.5E+03	1.5E+03	1.5E+03	1.5E+03	1.5E+03	1.5E+03	
105	1.7E+03	2.8E+05	5.0E+02	1.7E+03	1.7E+03	1.7E+03	1.7E+03	1.7E+03	1.7E+03	
110	1.9E+03	3.2E+05	5.8E+02	1.9E+03	1.9E+03	1.9E+03	1.9E+03	1.9E+03	1.9E+03	
115	2.1E+03	3.6E+05	6.4E+02	2.1E+03	2.1E+03	2.1E+03	2.1E+03	2.1E+03	2.1E+03	
120	2.4E+03	4.0E+05	7.2E+02	2.4E+03	2.4E+03	2.4E+03	2.4E+03	2.4E+03	2.4E+03	

POLLUTION CONTROL BOARD									
NOTICE OF PROPOSED AMENDMENTS									
I-E									
Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Complex Terrain Values for use in urban and rural areas									
110	3.6E+01	8.6E+01	1.3E+01	6.4E+01	1.7E+02	4.0E+02	6.0E+01	3.0E+02	
1115	4.0E+01	9.6E+01	1.9E+01	7.2E+01	2.0E+02	4.8E+02	7.2E+01	3.6E+02	
120	4.6E+01	1.1E+02	1.7E+01	8.2E+01	2.4E+02	5.8E+02	8.6E+01	4.3E+02	

TEST (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
1	0.000	0.000	0.000	0.000
2	0.000	0.000	0.000	0.000
3	0.000	0.000	0.000	0.000
4	0.000	0.000	0.000	0.000
5	0.000	0.000	0.000	0.000
6	0.000	0.000	0.000	0.000
7	0.000	0.000	0.000	0.000
8	0.000	0.000	0.000	0.000
9	0.000	0.000	0.000	0.000
10	0.000	0.000	0.000	0.000
11	0.000	0.000	0.000	0.000
12	0.000	0.000	0.000	0.000
13	0.000	0.000	0.000	0.000
14	0.000	0.000	0.000	0.000
15	0.000	0.000	0.000	0.000
16	0.000	0.000	0.000	0.000
17	0.000	0.000	0.000	0.000
18	0.000	0.000	0.000	0.000
19	0.000	0.000	0.000	0.000
20	0.000	0.000	0.000	0.000
21	0.000	0.000	0.000	0.000
22	0.000	0.000	0.000	0.000
23	0.000	0.000	0.000	0.000
24	0.000	0.000	0.000	0.000
25	0.000	0.000	0.000	0.000
26	0.000	0.000	0.000	0.000
27	0.000	0.000	0.000	0.000
28	0.000	0.000	0.000	0.000
29	0.000	0.000	0.000	0.000
30	0.000	0.000	0.000	0.000
31	0.000	0.000	0.000	0.000
32	0.000	0.000	0.000	0.000
33	0.000	0.000	0.000	0.000
34	0.000	0.000	0.000	0.000
35	0.000	0.000	0.000	0.000
36	0.000	0.000	0.000	0.000
37	0.000	0.000	0.000	0.000
38	0.000	0.000	0.000	0.000
39	0.000	0.000	0.000	0.000
40	0.000	0.000	0.000	0.000
41	0.000	0.000	0.000	0.000
42	0.000	0.000	0.000	0.000
43	0.000	0.000	0.000	0.000
44	0.000	0.000	0.000	0.000
45	0.000	0.000	0.000	0.000
46	0.000	0.000	0.000	0.000
47	0.000	0.000	0.000	0.000
48	0.000	0.000	0.000	0.000
49	0.000	0.000	0.000	0.000
50	0.000	0.000	0.000	0.000
51	0.000	0.000	0.000	0.000
52	0.000	0.000	0.000	0.000
53	0.000	0.000	0.000	0.000
54	0.000	0.000	0.000	0.000
55	0.000	0.000	0.000	0.000
56	0.000	0.000	0.000	0.000
57	0.000	0.000	0.000	0.000
58	0.000	0.000	0.000	0.000
59	0.000	0.000	0.000	0.000
60	0.000	0.000	0.000	0.000
61	0.000	0.000	0.000	0.000
62	0.000	0.000	0.000	0.000
63	0.000	0.000	0.000	0.000
64	0.000	0.000	0.000	0.000
65	0.000	0.000	0.000	0.000
66	0.000	0.000	0.000	0.000
67	0.000	0.000	0.000	0.000
68	0.000	0.000	0.000	0.000
69	0.0			

[illegible]

4	1.6E-01	2.5E-01	5.8E-02	2.0E-01
6	1.6E-01	3.9E-01	5.8E-02	2.9E-01
8	2.4E-01	5.8E-01	8.6E-02	4.3E-01
10	3.5E-01	8.2E-01	1.3E-01	6.2E-01
12	4.3E-01	1.0E+00	1.5E-01	7.6E-01
14	5.0E-01	1.3E+00	1.9E-01	9.4E-01
16	6.0E-01	1.4E+00	2.2E-01	1.1E+00
18	7.0E-01	1.6E+00	2.4E-01	1.2E+00
20	7.6E-01	1.8E+00	2.7E-01	1.3E+00
22	8.2E-01	1.9E+00	3.0E-01	1.5E+00
24	9.0E-01	2.1E+00	3.3E-01	1.6E+00
26	1.0E+00	2.4E+00	3.6E-01	1.8E+00
28	1.1E+00	2.7E+00	4.0E-01	2.0E+00
30	1.2E+00	3.0E+00	4.4E-01	2.2E+00
32	1.3E+00	3.7E+00	4.8E-01	2.7E+00
34	1.9E+00	4.6E+00	6.8E-01	3.4E+00
36	2.4E+00	5.4E+00	8.4E-01	4.2E+00
38	2.9E+00	6.8E+00	1.0E+00	5.0E+00
40	3.5E+00	8.4E+00	1.3E+00	6.4E+00
42	4.3E+00	1.0E+01	1.5E+00	7.8E+00
44	5.4E+00	1.3E+01	1.9E+00	9.6E+00
46	6.0E+00	1.4E+01	2.2E+00	1.1E+01
48	6.8E+00	1.6E+01	2.4E+00	1.2E+01
50	7.6E+00	1.8E+01	2.7E+00	1.3E+01
52	8.2E+00	2.0E+01	3.0E+00	1.5E+01
54	9.4E+00	2.3E+01	3.4E+00	1.7E+01
56	1.0E+01	2.5E+01	4.0E+00	1.9E+01
58	1.2E+01	2.8E+01	4.3E+00	2.1E+01
60	1.3E+01	3.2E+01	4.8E+00	2.4E+01
62	1.5E+01	3.5E+01	5.4E+00	2.7E+01
64	1.7E+01	4.0E+01	6.0E+00	3.0E+01
66	1.9E+01	4.4E+01	6.4E+00	3.3E+01

(Source: Added at 16 Ill. Reg. , effective

Section 726.Appendix B

Tier 1 Feed Rate Screening Limits for Total Chlorine			
TRESH (m)	Noncomplex Terrain		Complex Terrain
	Urban (g/hr)	Rural (g/hr)	(g/hr)
4	8.2E+01	4.2E+01	1.9E+01
6	9.1E+01	4.8E+01	2.0E+01
8	1.0E+02	5.3E+01	4.1E+01
10	1.2E+02	6.2E+01	5.8E+01
12	1.3E+02	7.7E+01	7.2E+01

Tier 1 Feed Rate Screening Limits for Total Chlorine

14	1.5E+02	9.1E+01	9.1E+01
16	1.7E+02	1.2E+02	1.1E+02
18	1.9E+02	1.4E+02	1.2E+02
20	2.1E+02	1.6E+02	1.3E+02
22	2.4E+02	2.3E+02	1.4E+02
24	2.7E+02	2.9E+02	1.6E+02
26	3.1E+02	3.7E+02	1.7E+02
28	3.5E+02	4.7E+02	1.9E+02
30	3.9E+02	5.8E+02	2.1E+02
32	5.3E+02	9.6E+02	2.6E+02
34	6.2E+02	1.4E+03	3.3E+02
40	8.2E+02	2.0E+03	4.0E+02
45	1.1E+03	2.4E+03	4.8E+02
50	1.3E+03	3.5E+03	6.2E+02
55	1.6E+03	4.6E+03	7.7E+02
60	2.0E+03	6.2E+03	9.1E+02
65	2.3E+03	7.2E+03	1.1E+03
70	2.5E+03	8.6E+03	1.2E+03
75	2.9E+03	1.0E+04	1.3E+03
80	3.3E+03	1.2E+04	1.4E+03
85	3.7E+03	1.4E+04	1.6E+03
90	4.2E+03	1.7E+04	1.8E+03
95	4.8E+03	2.1E+04	2.0E+03
100	5.3E+03	2.4E+04	2.3E+03
105	5.8E+03	2.9E+04	2.5E+03
110	6.2E+03	3.5E+04	2.8E+03
115	7.2E+03	4.1E+04	3.2E+03
120	8.2E+03		

(Source: Added at 16 Ill. Reg. , effective

Section 726.Appendix C

TESH (m)	Noncomplex Terrain		Noncomplex Terrain		Complex Terrain	
	Urban areas	Rural areas	Urban areas	Rural areas	Urban and rural areas	Chlorine gas
	Chlorine Gas	HCL (g/hr)	Chlorine Gas	HCL (g/hr)	Chlorine gas	HCL (g/hr)
4	8.2E+01	1.4E+03	4.2E+01	7.3E+02	1.9E+01	3.3E+02
6	9.1E+01	1.6E+03	4.9E+01	8.3E+02	2.8E+01	4.9E+02
8	1.0E+02	1.8E+03	5.3E+01	9.3E+02	4.1E+01	7.1E+02
10	1.2E+02	2.0E+03	6.2E+01	1.1E+03	5.8E+01	1.0E+03
12	1.3E+02	2.3E+03	7.7E+01	1.3E+03	7.2E+01	1.3E+03
14	1.5E+02	2.6E+03	9.1E+01	1.6E+03	9.1E+01	1.6E+03
16	1.7E+02	2.9E+03	1.2E+02	2.0E+03	1.1E+02	1.8E+03
18	1.9E+02	3.3E+03	1.4E+02	2.3E+03	1.2E+02	2.0E+03
20	2.1E+02	3.7E+03	1.8E+02	3.1E+03	1.3E+02	2.3E+03
22	2.4E+02	4.2E+03	2.3E+02	3.9E+03	1.4E+02	2.4E+03
24	2.7E+02	4.8E+03	2.9E+02	5.0E+03	1.6E+02	2.8E+03
26	3.1E+02	5.4E+03	3.7E+02	6.5E+03	1.7E+02	3.0E+03
28	3.5E+02	6.0E+03	4.7E+02	8.1E+03	1.9E+02	3.4E+03
30	3.9E+02	6.6E+03	5.8E+02	1.0E+04	2.1E+02	3.7E+03
35	5.3E+02	9.2E+03	7.6E+02	1.7E+04	2.6E+02	4.6E+03
40	6.2E+02	1.1E+04	1.4E+03	2.5E+04	3.3E+02	5.7E+03
45	8.2E+02	1.4E+04	2.0E+03	3.5E+04	4.0E+02	7.0E+03
50	1.1E+03	1.8E+04	2.4E+03	4.6E+04	4.8E+02	8.4E+03
55	1.3E+03	2.3E+04	3.5E+03	6.1E+04	6.2E+02	1.1E+04
60	1.6E+03	2.9E+04	4.6E+03	8.1E+04	7.7E+02	1.3E+04
65	2.0E+03	3.4E+04	6.2E+03	1.1E+05	9.1E+02	1.6E+04

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	2.3E+03	3.9E+04	7.2E+03	1.3E+05	1.1E+03	1.8E+04
70	2.3E+03	3.9E+04	7.2E+03	1.3E+05	1.1E+03	1.8E+04
75	2.5E+03	4.5E+04	8.6E+03	1.5E+05	1.2E+03	2.0E+04
80	2.9E+03	5.0E+04	1.0E+04	1.8E+05	1.3E+03	2.3E+04
85	3.3E+03	5.8E+04	1.2E+04	2.2E+05	1.4E+03	2.5E+04
90	3.7E+03	6.6E+04	1.4E+04	2.5E+05	1.6E+03	2.9E+04
95	4.2E+03	7.4E+04	1.7E+04	3.0E+05	1.8E+03	3.2E+04
100	4.8E+03	8.4E+04	2.1E+04	3.6E+05	2.0E+03	3.6E+04
105	5.3E+03	9.2E+04	2.4E+04	4.3E+05	2.3E+03	3.9E+04
110	6.2E+03	1.1E+05	2.9E+04	5.1E+05	2.5E+03	4.5E+04
115	7.2E+03	1.3E+05	3.5E+04	6.1E+05	2.8E+03	5.0E+04
120	8.2E+03	1.4E+05	4.1E+04	7.2E+05	3.2E+03	5.6E+04

(Source: Added at 16 Ill. Reg. , effective)

Section 726.Appendix D Reference Air Concentrations

BOARD NOTE: The RAC for other 35 Ill. Adm. Code 721.Appendix H constituents not listed below or in Appendix E is 0.1 ug/cu m.

Constituent	CAS No.	RAC (ug/cu m)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20899-73-8	0.3
Allyl Alcohol	107-18-6	0.3
Antimony	7440-36-0	5
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)	75-87-6	0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	3
Dimethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000

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	765-34-4	0.3
Glycidylaldehyde	77-47-4	5
Hexachlorocyclopentadiene	70-30-4	0.3
Hexachlorophene	74-90-8	20
Hydrocyanic Acid	76-17-0-1	7
Hydrogen Chloride	7783-06-4	3
Hydrogen Sulfide	78-83-1	300
Isobutyl Alcohol	7839-92-1	0.09
Lead	108-31-6	100
Maleic Anhydride	7439-97-6	0.3
Mercury	126-98-7	0.1
Methacrylonitrile	16752-77-5	20
Methanol	72-43-5	50
Methoxychlor	79-22-1	1000
Methyl Chloroacetate	78-93-3	80
Methyl Ethyl Ketone	298-00-0	0.3
Methyl Parathion	557-19-7	20
Nickel Cyanide	10102-43-9	100
Nitric Oxide	98-95-3	0.8
Nitrobenzene	608-93-5	0.8
Pentachlorobenzene	87-86-5	30
Pentachlorophenol	108-95-2	30
Phenol	108-45-2	5
N-Phenylenediamine	62-38-4	0.075
Phenylmercuric Acetate	7803-51-2	0.3
Phosphine	85-44-9	2000
Phthalic Anhydride	151-50-8	50
Potassium Cyanide	506-61-6	200
Puridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	3
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30
Strychnine	57-24-9	0.3
1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	0.3
Tetraethyl Lead	78-00-2	30
Tetrahydrofuran	109-99-9	0.0001
Thalliac Oxide	1314-32-5	10
Thallium	7440-28-0	0.3
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.3
Thallium Selenite	12039-52-0	0.3
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	300
Trichloromethylfluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Veratrin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

(Source: Added at 16 Ill. Reg. , effective)

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Section 726. Appendix E

Risk Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1E-05.

Constituent	CAS No.	Unit risk (cu m/ug)	RSD (ug/cu m)
Acrylamide	79-06-1	1.3E-03	7.7E-03
Acrylonitrile	107-13-1	1.5E-01	1.5E-01
Aldrin	309-00-2	4.9E-03	2.0E-03
Aniline	62-53-3	7.4E-06	1.4E+00
Arsenic	7440-38-2	4.3E-03	2.3E-03
Benz(a)anthracene	56-25-3	8.9E-04	1.1E-02
Benzene	71-43-2	8.3E-06	1.2E+00
Benzidrine	92-87-5	6.7E-02	1.3E-04
Benz(a)pyrene	50-32-8	3.3E-03	3.0E-03
Beryllium	7440-41-7	2.4E-03	4.2E-03
Bis(2-chloroethyl)ether	111-44-4	3.3E-04	3.0E-02
Bis(2-chloromethyl)ether	542-88-1	6.2E-02	1.6E-04
Bis(2-ethylhexyl)-phthalate	117-81-7	2.4E-07	4.2E+01
1,3-Butadiene	106-99-0	2.8E-04	3.6E-02
Cadmium	7440-43-9	1.8E-03	3.6E-03
Carbon tetrachloride	56-23-5	1.9E-05	6.7E-01
Chlordane	57-74-9	3.7E-04	2.7E-02
Chloroform	67-72-3	2.3E-05	4.3E-01
Chloromethane	74-87-3	3.6E-06	2.8E+00
Chromium VI	7440-47-3	1.2E-02	8.3E-04
DDT	50-29-3	9.7E-05	1.0E-01
Dibenz(a,h)anthracene	53-70-3	1.4E-02	7.1E-04
1,2-Dibromo-3-chloro-ethane	96-12-8	6.3E-03	1.6E-02
1,2-Dibromomethane	106-93-4	2.2E-04	4.5E-02
1,1-Dichloroethane	73-34-3	2.6E-05	3.8E-01
1,2-Dichloroethane	107-06-2	2.6E-05	3.8E-01
1,1-Dichloroethylene	73-35-4	5.0E-05	2.0E-01
1,3-Dichloropropene	542-75-6	3.5E-01	2.9E-05
Dieldrin	60-57-1	4.6E-03	2.2E-03
Diethylstilbestrol	56-53-1	1.4E-01	7.1E-02
Dimethylnitrosamine	62-75-9	1.4E-02	7.1E-04
2,4-Dinitrotoluene	121-14-2	8.8E-05	1.1E-01
1,2-Diphenylhydrazine	122-66-7	2.2E-04	4.5E-02
1,4-Dioxane	123-91-1	1.4E-06	7.1E+00
Epichlorohydrin	106-89-8	1.2E-06	8.3E+00
Ethylene Oxide	75-21-8	1.0E-04	1.0E-01
Ethylene Dibromide	106-93-4	2.2E-04	4.5E-02
Formaldehyde	50-00-0	1.3E-05	7.7E-01
Heptachlor	76-44-8	1.3E-03	7.7E-03
Heptachlor Epoxide	1024-37-3	2.4E-03	3.8E-03
Hexachlorobenzene	118-74-1	4.9E-04	2.0E-02
Hexachlorocyclopentadiene	87-68-3	2.0E-05	5.0E-01
Alpha-hexachlorocyclohexane	519-84-6	1.8E-03	5.6E-03
Beta-hexachlorocyclohexane	319-85-7	5.3E-04	1.9E-02
Gamma-hexachlorocyclohexane	58-89-9	3.8E-04	2.4E-02
Hexachlorocyclohexane, Technical		5.1E-04	2.0E-02

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Constituent	CAS No.	Unit risk (cu m/ug)	RSD (ug/cu m)
Hexachlorodibenzop-dioxin(1,2 Mixture)	67-72-1	1.3E+0	7.7E-06
Hexachloroethane	302-01-2	4.0E-06	2.5E+00
Hydrazine	302-01-2	2.9E-03	3.4E-03
3-Methylcholanthrene	56-49-5	2.9E-03	3.4E-03
Methyl Hydrazine	60-34-4	2.7E-03	3.7E-03
Methylene Chloride	75-09-2	3.1E-04	3.2E-02
4,4'-Methylene-Bis-2-chloroaniline	101-14-4	4.1E-06	2.4E+00
Nickel	7440-02-0	4.7E-05	2.1E-01
Nickel Refinery Dust	7440-02-0	2.4E-04	4.2E-02
Nickel Sulfide	12035-72-2	2.4E-04	4.2E-02
2-Nitropropane	79-46-9	4.8E-04	2.1E-02
N-Nitroso-n-butylamine	924-16-3	2.7E-02	3.7E-04
N-Nitroso-n-methylurea	684-93-5	1.6E-03	6.3E-03
N-Nitrosodimethylamine	55-18-5	8.6E-02	1.2E-02
N-Nitrosopiperidine	930-53-2	4.3E-02	2.3E-04
2-Nitrophenol	82-68-8	6.1E-04	1.6E-02
PCBs	1336-36-3	7.3E-05	1.4E-01
Promethazine	1336-36-3	1.2E-03	8.3E-03
Reserpine	23950-58-5	4.6E-06	2.2E+00
2,3,7,8-Tetrachlorodibenzop-dioxin	50-55-3	3.0E-03	3.3E-03
1,1,2,2-Tetrachloroethane	1746-01-6	4.5E+01	2.2E-07
1,1,2,2-Tetrachloroethene	79-34-5	5.8E-05	1.7E-01
Thiourea	127-18-4	4.8E-07	2.1E+01
1,1,2-Trichloroethane	62-56-6	3.5E-04	1.8E-02
Trichloroethylene	79-00-3	1.6E-03	6.3E-01
2,4,6-Trichlorophenol	79-01-6	1.9E-06	7.7E+00
Toxaphene	88-06-2	5.7E-06	1.8E+00
Vinyl Chloride	8001-35-2	3.2E-04	3.1E-02
	75-01-4	7.1E-06	1.4E+00

(Source: Added at 16 Ill. Reg. , effective)

Section 726. Appendix F

Stack Plume Rise

Flow rate (cu m/sec)	Exhaust Temperature (°C)	Estimated Plume Rise (in Meters)									
		325-350	350-399	400-449	450-499	500-599	600-699	700-799	800-899	900-999	1000-1499
<0.5	0	0	0	0	0	0	0	0	0	0	>1499
0.5-0.9	0	0	0	0	0	0	0	0	0	0	0
1.0-1.9	0	0	0	0	0	1	1	2	3	3	1
2.0-2.9	0	0	1	3	4	4	4	6	7	8	4
3.0-3.9	0	1	2	5	6	7	9	10	11	12	9
4.0-4.9	1	2	4	6	8	10	12	13	14	15	13

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5.0-7.4	2	3	5	8	10	12	14	16	17	19	21
7.5-9.9	3	5	8	12	15	17	20	22	22	23	24
10.0-	4	6	10	15	19	21	23	24	25	26	27
12.4	4	7	12	18	22	23	25	26	27	28	29
12.5-	4	8	13	20	23	24	26	27	28	29	31
14.9	5	10	17	23	25	27	29	30	31	32	34
15.0-	5	12	20	25	27	29	31	32	33	35	36
19.9	6	14	22	26	29	31	33	35	36	37	39
20.0-	6	16	23	28	30	32	35	36	37	39	41
24.9	7	17	24	29	32	34	36	38	39	41	42
25.0-	7	18	25	30	33	35	37	39	41	42	44
29.9	8	19	26	31	34	36	38	40	42	44	46
30.0-	8	21	27	32	35	37	39	41	43	45	49
34.9	9	22	28	33	36	38	40	42	44	46	51
35.0-	9	23	29	34	37	39	41	43	45	47	51
39.9	10	24	30	35	38	40	42	44	46	48	54
40.0-	10	25	31	36	39	41	43	45	47	49	54
49.9	12	26	32	37	40	42	44	46	48	50	56
50.0-	12	27	33	38	41	43	45	47	49	51	56
59.9	14	28	34	39	42	44	46	48	50	52	58
60.0-	14	29	35	40	43	45	47	49	51	53	58
69.9	16	30	36	41	44	46	48	50	52	54	61
70.0-	16	31	37	42	45	47	49	51	53	55	61
79.9	17	32	38	43	46	48	50	52	54	56	65
80.0-	17	33	39	44	47	49	51	53	55	57	65
89.9	19	34	40	45	48	50	52	54	56	58	67
90.0-	19	35	41	46	49	51	53	55	57	59	67
99.9	21	36	42	47	50	52	54	56	58	60	70
119.9	22	37	43	48	51	53	55	57	59	61	73
120.0-	22	38	44	49	52	54	56	58	60	62	73
139.9	23	39	45	50	53	55	57	59	61	63	73
140.0-	23	40	46	51	54	56	58	60	62	64	73
159.9	25	41	47	52	55	57	59	61	63	65	73
160.0-	25	42	48	53	56	58	60	62	64	66	73
179.9	26	43	49	54	57	59	61	63	65	67	73
180.0-	26	44	50	55	58	60	62	64	66	68	73
199.9	26	45	51	56	59	61	63	65	67	69	73
>199.9	26	46	52	57	60	62	64	66	68	70	73

(Source: Added at 16 Ill. Reg. , effective

Section 726. Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues

BOARD NOTE: The health-based concentration limits for 35 Ill. Adm. Code 721. Appendix H constituents for which a health-based concentration is not provided below is 2E-06 mg/kg.

Constituent	CAS No.	Concentration Limits (mg/L)
Antimony	7440-36-0	1E+00
Arsenic	7440-38-2	5E+00
Barium	7440-39-3	1E+02
Beryllium	7440-41-7	7E-03

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Constituent	CAS No.	Concentration Limits (mg/L)
Cadmium	7440-43-9	1E+00
Chromium	7440-47-3	5E+00
Lead	7439-92-1	5E+00
Mercury	7439-97-6	2E-01
Nickel	7440-02-0	7E-01
Selenium	7782-49-2	5E+00
Silver	7440-22-4	5E+00
Thallium	7440-28-0	7E+00
Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	2E-01
Acetophenone	98-86-2	4E+00
Acrolein	107-02-8	5E-01
Acrylamide	79-06-1	2E-04
Acrylonitrile	107-13-1	7E-04
Aldrin	309-100-2	2E-02
Allyl alcohol	107-18-6	2E-01
Aluminum phosphide	20859-73-8	1E-02
Aniline	62-53-3	6E-02
Barium cyanide	542-62-1	1E+00
Benz(a)anthracene	56-55-3	1E-04
Benzene	71-43-2	5E-03
Benzidine	92-87-5	1E-06
Bis(2-chloroethyl) ether	111-44-4	3E-04
Bis(chloromethyl) ether	542-88-1	2E-06
Bis(2-ethylhexyl) phthalate	117-81-7	3E-01
Bromoform	75-25-2	7E-01
Calcium cyanide	592-01-8	1E-06
Carbon disulfide	75-15-0	4E+00
Carbon tetrachloride	56-23-5	5E-03
Chlordane	57-74-9	3E-04
Chlorobenzene	108-90-7	1E+00
Chloroform	67-66-3	6E-02
Copper cyanide	544-92-3	2E-01
Cresols (Cresylic acid)	1319-77-3	2E+00
Cyanogen	460-19-5	1E+00
DDE	50-29-3	1E-03
Dibenz(a, h)-anthracene	53-70-3	7E-06
1,2-Dibromo-3-chloropropane	94-12-8	2E-05
Dichlorobenzene	106-46-7	7E-02
Dichlorodifluoromethane	75-71-8	7E+00
1,1-Dichloroethene	75-35-4	5E-03
2,4-Dichlorophenol	120-83-2	1E-01
1,3-Dichloropropane	542-75-6	1E-03
Dieldrin	60-57-1	2E-05
Diethyl phthalate	84-66-2	3E+01
Diethylstilbestrol	56-53-1	7E-07
Dimethoate	60-51-5	3E-02
2,4-Dinitrotoluene	121-14-2	5E-04
Diphenylamine	122-39-4	9E-01
1,2-Diphenylhydrazine	122-66-7	5E-04
Endosulfan	115-29-7	2E-03
Endrin	72-20-8	2E-04
Epichlorohydrin	106-89-8	4E-02
Ethylene dibromide	106-93-4	4E-07
Ethylene oxide	75-21-8	3E-04
Fluorine	7782-41-4	4E+00

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Formic acid	64-18-6	7E+01
Heptachlor	76-44-8	8E+05
Hexachlor epoxide	1024-57-3	4E+05
Hexachlorobenzene	118-76-1	2E+04
Hexachlorobutadiene	87-68-3	5E+03
Hexachlorocyclopentadiene	77-47-4	2E+01
Hexachlorodibenzop-d-dioxins	19408-74-3	6E+08
Hexachloroethane	67-72-1	3E+02
Hydrogen cyanide	302-01-1	1E+04
Hydrogen sulfide	74-90-8	7E+05
Isobutyl alcohol	78-83-1	1E+06
Methomyl	16752-77-5	1E+01
Methoxychlor	72-43-5	1E+00
3-Methylcholanthrene	56-49-5	1E+01
4,4'-Methylenebis (2-chloroaniline)	101-14-4	4E+05
Methylene chloride	73-09-2	2E+03
Methyl ethyl ketone (MEK)	78-93-3	3E+02
Methyl hydrazine	60-34-4	2E+00
Methyl parathion	298-00-0	3E+04
Naphthalene	91-20-3	2E+02
Nickel cyanide	557-19-7	1E+01
Nitric oxide	10102-43-9	7E+01
Nitrobenzene	98-95-3	4E+00
N-Nitrosodi-n-butylamine	924-16-3	2E+02
N-Nitrosodimethylamine	55-18-5	2E+03
N-Nitroso-N-methylurea	684-93-5	2E+06
N-Nitrosopyrrolidine	930-55-2	1E+07
Pentachlorobenzene	608-93-5	3E+02
Pentachloronitrobenzene (PCNB)	82-68-8	1E+01
Pentachlorophenol	87-86-5	1E+00
Phenol	108-95-2	1E+00
Phenylmercury acetate	62-38-4	3E+03
Phosphine	7803-51-2	1E+02
Polychlorinated biphenyls, H.O.S.	1336-36-3	5E+05
Potassium cyanide	151-50-8	2E+00
Potassium silver cyanide	506-61-6	7E+00
Pronamide	23950-58-5	3E+00
Pyridine	110-86-1	4E+02
Reserpine	50-55-5	3E+05
Selenurea	630-10-4	2E+01
Silver cyanide	506-64-2	4E+00
Sodium cyanide	143-33-9	1E+00
Strychnine	57-24-9	1E+02
1,2,4,5-Tetrachlorobenzene	95-94-3	1E+02
1,1,2,2-tetrachloroethane	79-34-5	2E+03
Tetrachloroethylene	127-18-4	7E+01
2,3,4,6-Tetrachlorophenol	58-90-2	1E+02
Tetraethyl lead	78-00-2	4E+06
Thiourea	62-56-6	2E+04
Toluene	108-88-3	1E+01
Toxaphene	8001-35-2	5E+03
1,1,2-Trichloroethane	79-00-5	6E+03
Trichloroethylene	79-01-6	5E+03
Trichloromono-fluoromethane	75-69-4	1E+01
2,4,5-Trichlorophenol	95-95-4	4E+00
Vanadium pentoxide	88-06-2	4E+00
Vinyl chloride	1314-62-1	7E+01
	75-01-4	2E+03

(Source: Added at 16 Ill. Reg. , effective)	
Section 726.Appendix H	Potential PICs for Determination of Exclusion of Waste-Derived Residues
PICs Found in Stack Effluents	
Volatiles	Semi-volatiles
Benzene	Bis(2-ethylhexyl)phthalate
Toluene	Naphthalene
Carbon tetrachloride	Phenol
Chloroform	Diethyl phthalate
Methylene chloride	Butyl benzyl phthalate
Trichloroethylene	2,4-Dimethylphenol
Tetrachloroethylene	o-Dichlorobenzene
1,1,1-Trichloroethane	m-Dichlorobenzene
Chlorobenzene	p-Dichlorobenzene
cis-1,4-Dichloro-2-butene	Hexachlorobenzene
Bromochloromethane	2,4,6-Trichlorophenol
Bromodichloromethane	Fluoranthene
Bromoform	o-Nitrophenol
Bromomethane	1,2,4-Trichlorobenzene
Methylene bromide	o-Chlorophenol
Methyl ethyl ketone	Pentachlorophenol
	Pyrene
	Dimethyl phthalate
	Mononitrobenzene
	2,6-Toluene dithiocyanate

(Source: Added at 16 Ill. Reg. , effective)

Section 726.Appendix I Methods Manual for Compliance with BIF Regulations

See "Methods Manual for Compliance with BIF Regulations". This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix IX, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 56 Fed. Reg. 42511, August 27, 1991, which is incorporated by reference. This incorporation includes no future editions or amendments.

(Source: Added at 16 Ill. Reg. , effective)

Section 726.Appendix J Guideline on Air Quality Models

See "Guideline on Air Quality Models (Revised)". This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is

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also available as 40 CFR 266, Appendix X, adopted at 56 Fed. Reg. 32688, July 17, 1991 and amended at 56 Fed. Reg. 42511, August 27, 1991, which is incorporated by reference. This incorporation includes no future editions or amendments.

(Source: Added at 16 Ill. Reg. , effective)

Section 726. Appendix K Lead-Bearing Materials That May be Processed in Exempt Lead Smelters

- a) Exempt Lead-Bearing Materials When Generated or Originally Produced By Lead-Associated Industries.

BOARD NOTE: Lead-associated industries are lead smelters, lead-acid battery manufacturing and lead chemical manufacturing (e.g. manufacturing of lead oxide or other lead compounds).

Acid dump/fill solids

Sump mud

Materials from laboratory analyses

Acid filters

Baghouse bags

Clothing (e.g. coveralls, aprons, shoes, hats, gloves)

Sweepings

Air filter bags and cartridges

Respiratory cartridge filters

Shop abrasive

Stacking boards

Waste shipping containers (e.g. cartons bags, drums, cardboard)

Paper hand towels

Wiping rags and sponges

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Contaminated pallets

Water treatment sludges, filter cakes, residues, and solids

Emission control dusts, sludges, filter cakes, residues, and solids from lead-associated industries (e.g. K069 and D008 wastes)

Spent grinds, posts and separators

Spend batteries

Lead oxide and lead oxide residues

Lead plates and groups

Spent battery cases, covers, and vents

Pasting belts

Water filter media

Chesecloth from pasting rollers

Pasting additive bags

Asphalt paving materials

- b) Exempt Lead-Bearing Materials When Generated or Originally Produced By Any Industry

Charging jumpers and clips

Platen abrasive

Fluff from lead wire and cable casings

Lead-based pigments and compounding pigment dust

(Source: Added at 16 Ill. Reg. , effective)

Section 726. Appendix L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

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- a) Exempt Nickel or chromium-bearing materials when generated by manufacturers or users of nickel, chromium or iron.

Backhouse bagsRaney nickel catalystFloor sweepingsAir filtersElectroplating bath filtersWastewater filter mediaWood PalletsDisposable clothing (coveralls, aprons, hats, and gloves)Laboratory samples and spent chemicalsShipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastesRespirator cartridge filtersPaper hand towels

- b) Exempt Nickel or Chromium-Bearing Materials when Generated by Any Industry

Electroplating wastewater treatment sludges (F006)Nickel and/or chromium-containing solutionsNickel and/or chromium-containing catalystsNickel-cadmium and nickel-iron batteriesFilter cake from wet scrubber system water treatment plants in the specialty steel industryFilter cake from nickel-chromium alloy pickling operations

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(Source: Added at 16 Ill. Reg. , effective)

Section 726. Table A Exempt Quantities for Small Quantity Burner Exemption

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	TESH	Allowable Hazardous Waste Burning Rate (gal/mo)
0 to 3.2	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 to 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	57	70.0 to 74.9	680
16.0 to 17.9	62	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	148	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

(Source: Added at 16 Ill. Reg. , effective)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Programs
- 2) Code Citation: 11 Ill. Adm. Code 415
- 3) Section Numbers Proposed Action
 415.60 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: In recent months the Board has received numerous complaints from patrons regarding the shortage of programs at several wagering locations. The Board has proposed the attached rule which requires all licensees to provide adequate programs for each day of racing. In the event a supply of programs becomes depleted, the location is required to provide a photocopy of the day's program to those patrons requesting the same. This new section, when adopted, will be posted at each location where programs are sold to inform the patrons of the duty of the licensee.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
 Legal Department
 100 West Randolph, Ste. 11-100
 Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 1/3/92
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

- Section
415.10 Required Information
415.20 Supply Information for Patrons
415.30 Thoroughbred Programs
415.40 Harness Programs
415.50 Quarterhorse Programs
415.60 Availability of Programs

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 415.60 Availability of Programs

Every licensee shall provide an adequate number of programs for each day of operation. In the event the supply of programs for any day of operation becomes depleted, the licensee shall provide photocopies, free of charge, to those patrons requesting programs. Failure to supply photocopies of the programs may result in a civil penalty. This Section shall be prominently displayed at each location where programs are sold.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

ILLINOIS REGISTER
ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Numbers Proposed Action
1424.250 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This amendment waives the requirement for the organization licensee to card races for two year old maidens early in the year. During race meetings in the months of December through May there is an insufficient population of thoroughbred horses in this category (2 year old maidens) to fill the required number of races stated in this Section.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60604

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 1/3/92
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
- SUBTITLE B: HORSE RACING
- CHAPTER I: ILLINOIS RACING BOARD
- SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1424
REGULATIONS FOR MEETINGS

Section	Illinois Racing Board Right of Entry
1424.10	Office for Racing Board
1424.20	Moving Offices (Repealed)
1424.25	Inspections and Searches
1424.40	Investigative Authority
1424.45	Allocation of Stalls
1424.50	AGID (Coggins) Test
1424.55	Distance Poles
1424.60	Arrivals, Departures and Stabling
1424.70	Departure Slips
1424.80	Horse Ambulance
1424.90	Races Per Day
1424.100	Extra Races
1424.110	Clockers
1424.120	Outriders
1424.125	Safety Rails
1424.140	Backstretch Paging System
1424.150	Camera
1424.160	Medical Services
1424.170	Policing of Premises
1424.180	Stable Area Security
1424.190	Stable Area Security
1424.200	Security Reports
1424.210	Night Patrol
1424.220	Telephone and Telegraph
1424.230	Calls Through Switchboard
1424.240	Races for Illinois Horses
1424.250	Breeder Awards
1424.260	Admission to Parts of Premises
1424.270	Stable Areas Fenced
1424.280	Merchandise Selling
1424.290	Tip Sheets
1424.300	Alcoholic Beverages
1424.310	

NOTICE OF PROPOSED AMENDMENTS

- 1424.320 Jockey Quarters
1424.330 Water Supply and Washrooms
1424.340 Drug Vendors
1424.350 Seven Day Rule
1424.353 Penalty for Violation of Rules
1424.355 Stall Availability Prior to Meet

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 1424.250 Races for Illinois Horses

- a) Organization licensees shall provide at least two races each day limited to Illinois conceived and foaled horses or Illinois foaled horses or both by scheduling at least two such races each day in their condition books. At least one of such races shall be a regularly scheduled race and not a substitute or extra race.
- b) Organization licensees shall make every effort to conduct at least one Illinois conceived and foaled or Illinois foaled race each day. If however such race fails to fill, the organization licensee shall make up this deficiency within four racing days. Provided further that in the event that an organization licensee has conducted more than one Illinois conceived and foaled or Illinois foaled race per day during the preceding six racing days, said licensee will not be required to make up for a day in which it was unable to fill an Illinois conceived and foaled or Illinois foaled race. Whenever a race for Illinois conceived and foaled horses or Illinois foaled horses or both is eliminated for any one day, the Racing Secretary shall make a written report to the Board.

- c) Each proper Illinois foaled or Illinois conceived and foaled race which the licensee fails to hold or make up shall be a separate and distinct violation of this rule and of Section 30(c) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-30(c)).
- d) The purse value for an Illinois foaled or Illinois conceived and foaled race shall be no less than the purse value provided for races for open competition horses of the same class running under similar conditions.
- e) Within seven days after the commencement of any racing meeting, the racing secretary shall prepare and maintain for inspection by the Board a record of all Illinois foaled and Illinois conceived and foaled horses occupying stalls at the track at which the licensee is conducting its meeting. The list shall include information as to the age, sex, quality, and racing classification (e.g., Maiden, etc.) of each horse and the sire and dam of each horse.
- f) In addition to the other requirements of this rule, each licensee shall use its best efforts to schedule lead up races and races for the better class horses, provided that each licensee shall schedule no less than the following races each week for Illinois foaled or Illinois conceived and foaled horses:
- 1) After June 1st of each year, One race for 2 year old Maidens (Allowance Race).
 - 2) One race for 3 year old and up Maidens (Allowance Race).
 - 3) One race for 3 year old and up Maidens and winners of one race (Winners preferred) (Allowance Race).
 - 4) After July 1st of each year, one race for 2 year old Maidens and winners of one race (Winners preferred) (Allowance Race).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Proposed Action
1030.11 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-100 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides sanctions for those drivers who cheat on driver's license tests. A first time offender will receive a receipt of failure for cheating as well as notice that he/she is disqualified from retesting for 60 days. Second and subsequent offenders will be disqualified from retesting for 6 months. This rulemaking also defines "cheating" and "receipt of failure".
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.84	Amendment	15 Ill. Reg. 14198 (October 4, 1991)

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert J. Watkins
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.15	Cite for Re-Examination
1030.20	Classification of Drivers - References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Employer Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening With Vision Aid
1030.75	Driver's License Testing/Other Than Standard Eye Glasses or Contact Lens(es) Arrangements
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee On Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A	Questions Asked of a Driver's License Applicant
Appendix B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 10, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. _____, effective _____.

Note: Bold type denotes statutory language.

Section 1030.11 Procedure for Obtaining a Driver's License

a) For purposes of this Section, the following definitions shall apply:

Cheating -

1. at the actual time of the examination, giving or receiving aid in the form of any written notes or materials, other than the original examination itself, or any outside communication from anyone other than testing personnel; or,

2. the use or possession of official testing material obtained through unauthorized means.

"Receipt of Failure" - a receipt issued to an applicant upon failure of any part of a test(s) taken in application for an Illinois driver's license.

4b) Any person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the state. An application form provided by the Secretary of State pursuant to Section 6-106 of the Illinois Driver Licensing Law of the

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Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106) shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services Facility employee with three (3) forms of identification establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and Social Security Number. Acceptable forms of identification are provided in Appendix B of this Part.

b) The applicant shall take the following tests as required in Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-109):

- 1) A vision test as provided in Sections 1030.70 and 1030.75 of this Part;
- 2) A road test, if required, as provided in Section 1030.85 of this Part (exemptions to the road test requirement are provided in Section 1030.88 of this Part); and,
- 3) A written test, if required, as provided in Section 1030.80.

d) Any person submitting to any portion of a test(s) required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code who engages in or is otherwise found to have cheated on such test(s) shall immediately be issued a receipt of failure for that portion of the test. Such applicant shall be precluded from retesting for a period of sixty (60) days for the first violation and six (6) months for a second or subsequent offense.

e) Finally, the applicant shall have his/her photograph taken unless exempted as provided in Section 1030.90 of this Part. A driver's license shall be issued upon completion of all the requirements of this Section and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

STATE PLAN

FOR

FISCAL YEARS 1993-95

Under Part B of the Individuals with Disabilities Education Act

Illinois State Board of Education
Department of Special Education

December, 1991

Louis Mervis, Chairman
State Board of Education

Robert Leininger
State Superintendent of Education

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December, 1991

PLEASE NOTE:

This copy of the proposed Fiscal Years 1993-95 State Plan for Part B of the Individuals with Disabilities Education Act is for your review and future reference. This draft copy of the State Plan is subject to possible revision pending review by the Office of Special Education Programs (OSEP) of the United States Department of Education.

When the State Board of Education receives notification of OSEP's approval of the proposed State Plan, the Department of Special Education will announce this action through public media and other communications channels and, if applicable, provide revised copies of the approved plan to interested persons. If you have any questions regarding the State Plan, please contact Gloria Harrison at 217/782-6601, TDD 217/782-1900 or SpecialNet IL-SE.

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PART 1

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SUBMISSIONS, ASSURANCES, CERTIFICATIONS

SUBMISSION STATEMENT, CERTIFICATIONS, AND ASSURANCES

A. SUBMISSION STATEMENT

I, the undersigned authorized official of the State Education Agency of _____ hereby submit the following State Plan for Fiscal Years 1993-95 under Part B of the Individuals with Disabilities Education Act.

Signature of Authorized Official _____ Date _____

Type Name and Title _____

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B. ASSURANCE STATEMENTS

The State of Illinois makes the following assurances and provisions as required by Part B of the Individuals with Disabilities Education Act, as amended (20 U.S.C. 1411-1420):

- I. In carrying out the requirements of 20 U.S.C. 1412, procedures are established for consultation with individuals involved in or concerned with the education of children with disabilities, including individuals with disabilities and parents or guardians of children with disabilities (20 U.S.C. 1412 (7) (A)).
- II. Programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including subpart 2 of part D of Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 and section 202 (1) of the Carl D. Perkins Vocational Education Act, under which there is specific authority for the provision of assistance for the education of children with disabilities, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all children with disabilities, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs (20 U.S.C. 1413 (a) (2)).
- III. Federal funds made available under the Act: (A) will not be commingled with State funds; and (B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the control of State or local educational agencies) expended for special education and related services provided to children with disabilities and will in no case be used to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate education, the Secretary may waive in part the requirement of this clause if the Secretary concurs with evidence provided by the State (20 U.S.C. 1413 (a) (9) (B) and 20 U.S.C. 1414 (a) (2) (iii)).
- IV. The State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in, or concerned with, the education of children

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with disabilities, including handicapped individuals, teachers, parents or guardians of children with disabilities, State and local officials, which: (A) advises the State educational agency of unmet needs within the State in the education of children with disabilities; (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of children with disabilities, the procedures for distribution of funds under the Act; and (C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of his responsibilities under 20 U.S.C. 1418 (20 U.S.C. 1413 (a) (12)).

- V. The Education of the Handicapped Act, as amended, will not be construed by the State to permit the State to reduce medical or other assistance available under, or to alter the eligibility requirements of, programs funded in whole or in part through Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, with respect to the provision of a free appropriate public education for children with disabilities within the State.

C. GENERAL STATE APPLICATION - EDGAR ASSURANCE

This State educational agency provides assurances that it will comply with the provisions contained in 34 CFR 76.101 and Section 435 of the General Education Provisions Act.

D. CERTIFICATIONS REQUIRED BY EDGAR

In accordance with 34 CFR 76.104 the State educational agency assures:

1. That the Plan is submitted by the State agency that is eligible to submit the Plan.
2. That the State agency has authority under State law to perform the functions of the State under the program.
3. That the State legally may carry out each provision of the Plan.
4. That all provisions of the Plan are consistent with State law.

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5. That a State Officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the Plan.
6. That the State Officer who submits this Plan, specified by title in the certification, has authority to submit the Plan.
7. That the agency that submits the Plan has adopted or otherwise formally approved the Plan.
8. That the Plan is the basis for State operation and administration of the program.

E. EXECUTIVE ORDER 12372

This State certifies that:

To the best of our knowledge and belief, data in this State Plan are true and correct, the document has been duly authorized by the governing body of the State education agency and the State will comply with the attached assurances if the State Plan is approved.

The State Plan was submitted to the State's "single point of contact" under Executive Order 12372 on date: _____

F. PUBLIC PARTICIPATION (34 CFR 300.280-300.284 and 34 CFR 76.101 of the EDGAR)

Documentation that public hearings have been held and that the Plan has been made available as required should be included in this section. (See cover memorandum for further details.)

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ASSURANCES REGARDING IMPLEMENTATION OF THE
REQUIREMENTS DURING FISCAL YEAR 1993

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**NEW STATE PLAN REQUIREMENTS UNDER PART B
OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
AS ADDED BY THE EDUCATION OF THE HANDICAPPED ACT
AMENDMENTS OF 1990 (PUB. L. 101- 476) AND THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT AMENDMENTS OF 1991 (Pub. L. 102-119)**

Assurances Regarding Implementation of These Requirements During
Fiscal Year 1993

For purposes of implementing provisions of the Education of the Handicapped Act Amendments of 1990 (Pub L. 101-476) and the Individuals with Disabilities Education Act Amendments of 1991 (Pub. L. 102-119), which amend Part B of the Individuals with Disabilities Education Act (Act) (20 U.S.C. 1401, 1411-1420), the State of Illinois makes the following assurances:

- (1) In accordance with section 612(2) of the Act, throughout the period of the Fiscal Year (FY) 1993 grant award, the State's definition of "children with disabilities," or its equivalent, will include "children with autism" and "children with traumatic brain injury" as separate disability categories under Part B, as specified in section 602 (a) (1) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

[If your State elects to include in its definition of "children with disabilities" for children aged three through five, "children experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures . . ." leave in the following paragraph, if not, cross out.]

- (2) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "children with disabilities," or its equivalent, for children aged three through five will include "children experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures . . ." in accordance with the criteria specified in section 602(a)(1)(B) of the Act.

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- (3) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "special education," or its equivalent, will add "instruction in other settings" to the list of settings in which "specially designed instruction" may be provided to children with disabilities, as required by section 602(a)(16) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.
- (4) In accordance with section 612(2) of the Act, throughout the period of the FY 1993 grant award, the State's definition of "related services," or its equivalent, will include "rehabilitation counseling" and "social work services" as eligible related services, as required by section 602 (a) (17) of the Act. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.
- (5) In accordance with section 612(4) of the Act, throughout the period of the FY 1993 grant award, each public agency in the State will implement individualized education programs (IEPs) for students with disabilities, as provided in section 614 (a) (5) of the Act, which IEPs include the following provisions, as required by section 602 (a) (19) and (a) (20) of the Act:
 - (A) A statement of needed transition services for students with disabilities beginning at age 16 and each year thereafter, and to the extent appropriate, for students with disabilities 14 years of age or younger;
 - (B) Where appropriate, a statement of interagency responsibility if a State or local agency, other than the public agency responsible for the student's education, is responsible for providing or paying for needed transition services;
 - (C) Where a participating agency, other than the public agency responsible for the student's education, has failed to provide agreed upon transition services, a statement that the public agency will reconvene a meeting of the participants on the IEP team to identify alternative strategies to meet the transition objectives in the student's IEP; and
 - (D) That with respect to IEPs of students with disabilities, "transition services" has the same meaning as the term "transition services," as defined in section 602 (a) (19) of the Act.

As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

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(6) In accordance with section 613 (a) (3) of the Act, throughout the period of the FY 1993 grant award, the State will implement a comprehensive system of personnel development (CSPD), consistent with the purposes of the Act and with the CSPD described in section 676 (b) (8) of Part H of the Act, that shall include--

- (A) a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel, including--
 - (i) the development and maintenance of a system for determining, on an annual basis--
 - (I) the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure; and
 - (II) the number and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors;
 - (ii) the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including--
 - (I) the numbers of students enrolled in such programs, and
 - (II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year; and
 - (iii) the development, updating, and implementation of a plan that--
 - (I) will address current and projected special education and related services personnel needs, including the need for leadership personnel; and

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- (II) coordinates and facilitates efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel with disabilities; and
- (B) a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, including--
 - (i) a system for the continuing education of regular and special education and related services personnel;
 - (ii) procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and
 - (iii) procedures for adopting, where appropriate, promising practices, materials, and technology.

As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (7) In accordance with section 613 (a) (15) of the Act, throughout the period of the grant award, the State will have in effect policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under Part H of the Act who will participate in preschool programs assisted under Part B of the Act, including a method of ensuring that when a child turns age three, an individualized education program, or, if consistent with sections 614 (a) (5) and 677 (d), an individualized family service plan, has been developed and is being implemented by such child's third birthday. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.
- (8) In accordance with section 612 (4) of the Act, throughout the period of the FY 1993 grant award, for each child with a disability aged three through five, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, each local educational agency or intermediate educational unit in the State, by the beginning of each school year, will establish an individualized education program for each child with a disability or an individualized family service plan described in section 677(d), and will

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ED Form 80-0013:

Certifications Regarding Lobbying;
Debarment, Suspension, and Other Responsibility Matters;
and Drug-Free Workplace Requirements

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then review and, if appropriate, revise its provisions periodically but not less than annually. As soon as possible, but no later than July 1, 1993, the State will make conforming changes to State statutes, regulations, or policies and procedures, as appropriate.

- (9) Throughout the period of the FY 1993 grant award, the State will comply with all requirements of Part B of the Act, including any Departmental regulations amending 34 CFR Part 300 that became final and effective by the date on which your State received its FY 1993 grant award.

Typed Name and Title of Authorized State Official

Signature Date

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CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

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2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more

public transactions (Federal, State or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANT- TEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about -

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

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- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five calendar days after each conviction;
- (e) Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124 GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

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As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Section 85.605 and 85-610 -

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

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As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

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PART 2

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC INFORMATION

I. RIGHT TO EDUCATION POLICY STATEMENT

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I. RIGHT TO EDUCATION POLICY STATEMENT

Right to Free and Appropriate Public Education**Policy**

The Illinois State Board of Education established the policy in 1978 that all children with disabilities shall have the right to a free, appropriate public education (see Full Educational Opportunity Goal section).

The Illinois State Board of Education assures that this policy applies to all agencies in the state that provide special education to children with disabilities. The following agencies work with the Illinois State Board of Education in assuring the implementation of this policy:

1. Department of Children and Family Services;
2. Department of Mental Health and Developmental Disabilities;
3. Department of Corrections;
4. Department of Rehabilitation Services;
5. All other public, independent, private and parochial schools providing services to children with disabilities; and
6. Parent/consumer organizations.

The Illinois State Board of Education has assured the provision of special education to all children with disabilities within the federal statutory timelines. Such special education service:

1. are provided at public expense, at no charge to the parent or guardian;
2. are under the general supervision of the Illinois State Board of Education;
3. meet the standards of the Illinois State Board of Education and all other applicable state and federal statutes, rules or regulations;

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4. include preschool, elementary school, and secondary school education in Illinois; and
5. are in conformity with an Individualized Education Program.

It is the priority of the Illinois State Board of Education to provide service to:

1. first, those children with disabilities not receiving any education, including identification, location, and evaluation of those children and
2. second, those children with disabilities, within each disability group with the most severe handicaps, who are receiving an inadequate education.

Interaction with Other State Agencies

The State Educational Agency has assumed full responsibility for assuring that all students that are placed in facilities operated by the Department of Children and Family Services (DCFS), the Department of Mental Health and Developmental Disabilities (DMH/DD), the Department of Corrections (DOC), and the Department of Rehabilitation Services (DORS) are provided with free, appropriate public education. The educational programs administered and operated by these agencies are supervised and monitored on a regular basis by the Illinois State Board of Education.

IDEA requires that the State Education Agency be responsible for the supervision of all educational programs for all children with disabilities. The federal regulations allow the Illinois State Board of Education to utilize an interagency agreement to implement that section of the law. We do hereby agree to the following administrative agreement developed through the cooperative efforts of Illinois agencies:

All special education programs for children with disabilities defined in Article 14 of the School Code operated by the above-stated agencies shall be supervised by staff of the Illinois State Board of Education pursuant to policies adopted by the State Board of Education. Such supervision shall be limited to insuring that those educational programs meet standards jointly developed and agreed to by both the Illinois State Board of Education and the above-stated agencies, including standards for educational personnel.

In 1980, additional state statutes were enacted. This legislation is found in Section 14-8.01 of the School Code:

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All educational programs for the types of children with disabilities defined in Section 14-1.02 administered by any State Agency shall be under the general supervision of the State Board of Education. Such supervision shall be limited to insuring that such educational programs meet standards jointly developed and agreed to by both the State Board of Education and the operating State Agency, including standards for educational personnel.

Any State agency providing special educational programs for the types of children with disabilities defined in Section 14-1.02 shall promulgate rules and regulations, in consultation with the State Board of Education and pursuant to the Illinois Administrative Procedure Act as now or hereafter amended, to insure that all such programs comply with this Section and Section 14-8.02.

No otherwise qualified handicapped child receiving special education and related services under Article 14 shall solely by reason of his or her handicap be excluded from the participation in or be denied the benefits of or be subjected to discrimination under any program or activity provided by a State agency.

Since 1987 the Illinois State Board of Education has had oversight responsibility for private placements made by State agencies. An OCR agreement of December 4, 1987, delineates the process of oversight. Staff maintain a list of eligible children placed by State agencies, commencing Fall 1987. DCFS and DMH/DD update this information monthly. Parental notice of such list occurs, as well as of their rights.

Pursuant to Section 14-8.02 of the School Code, DORS, which administers and operates the Illinois State School for the Deaf, the Illinois State School for the Visually Impaired and the Illinois Children's School and Rehabilitation Center, has promulgated regulations for these programs. The DORS regulations are consistent with the Illinois State Board of Education's rules and regulations, the School Code and IDEA.

DMH/DD operated twenty-one educational programs throughout the state until 1983. During the 1987-88 school year, all but two of the educational programs in DMH/DD residential facilities were operated by the local public school district or joint agreement, either on-site or in public school buildings. DMH/DD has promulgated regulations for its educational programs. As of 1991-92, there still are 2 programs that they operate: Madden Mental Health Center in Hines and the Illinois State Psychiatric Institute in Chicago.

The criteria for monitoring DORS and DMH/DD facilities are set forth in the Illinois State Board of Education Monitoring Manual. Such criteria are consistent with both the

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DORS and DMH/DD regulations and the Illinois State Board of Education's 23 Illinois Administrative Code 226 and satisfy requirements of IDEA and its current regulations.

DOC administers and operates the educational program for students who have been placed under its jurisdiction. The DOC educational program, also known as School District #428, is administered pursuant to 23 Illinois Administrative Code 226. The Illinois State Board of Education has assumed responsibility as set forth in Section 14-8.01 of the School Code. Criteria for monitoring the DOC program are the same as for any other school district in Illinois.

23 Adm. Code 226.1110 addresses special education for children in residential care facilities. When a student is placed in a residential facility by another state agency, the Illinois school district where the facility is located assumes the responsibility of assuring that the student is provided with a free appropriate educational program. In such case, the program may be provided: 1) on the facility site by the facility under contract with the district; 2) on-site by the school district; or 3) in the district's regular school program sites. For any of these options, the LEA is responsible for assuring that the students are provided a free and appropriate educational program. The Illinois State Board of Education provides funds to support these programs pursuant to Section 14-7.03 of the School Code which states:

If a school district maintains special education classes on the site of orphanages and children's homes, or if children from the orphanages, children's homes, foster family homes, other State agencies, or State residential units for children attend classes for children with disabilities in which the school district is a participating member of a joint agreement, or if the children from the orphanages, children's homes, foster family homes, other State agencies or State residential units attend classes for children with disabilities maintained by the school district, then reimbursement shall be paid to eligible districts in accordance with the provisions of this Section through the regional superintendent on the warrant of the Comptroller.

Procedures

The procedures adopted by the Illinois State Board of Education to assure implementation of the right to education policy include:

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1. Continuing a statewide legislative mandate adopted in 1965, effective in 1969, which includes the provision for expenditures of local, state, and federal funds directed to meet this objective. Illinois does not exclude from its education programs, by present law or practice, any student population;
2. Using a federal grant application process which solicits programs and projects designed to meet the special education needs of all children with disabilities based on the priorities noted above; and
3. Using a review process which results in the approval of only those programs and projects which meet these policies and specific funding criteria.

Timelines and Ages for Free Appropriate Public Education

Chapter 122 of the Illinois Revised Statutes, in Section 14-1.02, delineates services are required for eligible children and youth ages 3-21.

The School Code and 23 Illinois Administrative Code 226 require that each local school district shall:

1. actively seek out and identify all children with disabilities, ages birth through twenty-one;
2. provide appropriate evaluation of all such children identified;
3. provide and maintain a continuum of appropriate and effective program services for eligible children and youth ages 3-21; and
4. provide an annual review of the educational status and placement of eligible children and youth ages 3-21.

State Policy for Meeting Priorities under IDEA

The State Board of Education has adopted policies to enhance the state's ongoing commitment to provide full educational opportunities to all children with disabilities and, to the maximum extent appropriate, to educate students with disabilities with their nondisabled peers. The Illinois State Board of Education will continue to direct the proper utilization of local, state and federal funds for special education and related

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services for children with disabilities to provide a free, appropriate public education to all children with disabilities. First priority in the utilization of funds made available to the State of Illinois under Individuals with Disabilities Education Act (IDEA), will be given to children with disabilities who are not receiving any education. Second priority will be given to those children who are the most severely disabled in each category and who are receiving some services but need additional special education and related services.

Moreover, it is the policy of the Illinois State Board of Education to insure that in the implementation of programs and services to meet these priorities all children with disabilities between the ages of three (3) and twenty-one (21) within the state have available a free, appropriate public education.

Finally, the Illinois State Board of Education will continue to assure compliance with IDEA.

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II. FULL EDUCATIONAL OPPORTUNITY GOAL

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Mission of the Department of Special Education

The mission of the Department of Special Education is to provide programmatic and administrative leadership to local school districts and joint agreements. This mission is in concert with the State Board of Education Goal Statements grounded in learner, enabling and governance principles.

- Insure appropriate referral, proper identification and provision of a free, appropriate public education to all children and youth with disabilities, including those who are limited English proficient and culturally diverse, in the least restrictive environment;
- Promote an integrated educational system that is accessible and responsive to all children and youth;
- Encourage the active participation of parents in determining and administering to their children's educational needs;
- Meet the needs of children and youth through collaboration with local, state, and federal agencies;
- Mobilize community resources to work with the schools in promoting meaningful education;
- Insure a full continuum of services for all eligible individuals, birth through twenty-one;
- Insure compliance of local school districts with federal and state special education rules/regulations/laws; and
- Promote the delivery of high-quality, effective educational programming.

Early Intervention Definition

Additionally, pursuant to Part H of IDEA, the Illinois State Board of Education is developing, with the appropriate state human service agencies, formal interagency agreements that define the financial responsibility of each agency paying for early intervention services, procedures for resolving disputes, and any additional components necessary to ensure meaningful cooperation and coordination.

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II. FULL EDUCATIONAL OPPORTUNITY GOAL

Full Educational Opportunity Goal

The Illinois State Board of Education adopted a policy in 1978 in support of the basic tenets of IDEA. The policy in full says:

1. A free, appropriate public education for every child with a disability in Illinois: ages 3-18 by September, 1978; ages 3-21 by September, 1980;
2. A right to education policy for all children, education provided at no cost to parents when placed by the SEA or LEA;
3. Education in the least restrictive environment;
4. Guarantee of procedural safeguards, confidentiality of records, and nondiscriminatory (racial or cultural) testing;
5. Individualized education programs for every identified child with a disability;
6. A comprehensive articulated personnel preparation program;
7. SEA supervision of all educational programs for children with disabilities offered within the State of Illinois;
8. Rights and guarantees applying to children in approved private, parochial, independent or state agency schools as well as public schools; and
9. An intensive and continuing search for children with disabilities.

Public Act 87-680 goes beyond the above-cited policy and addresses birth-to-three issues in Illinois. Pursuant to Illinois' Part H application, currently on file with OSEP, Illinois currently provides childfind, procedural safeguards, evaluations and IFSPs for eligible infants, toddlers and their families.

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As reflected in the Year 3 Annual Report for Illinois (October 1, 1989-September 30, 1990) by the State Interagency Council on Early Intervention, eligibility for early intervention services, based on Part H of IDEA, is described below:

"The term *"eligible infants and toddlers"* means individuals from birth to 36 months of age who need early intervention services because they

- 1) are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:

- a) cognitive development;
- b) physical development, including vision and hearing;
- c) language, speech and communication development;
- d) psycho-social development; or
- e) self-help skills; or

- 2) have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay which includes:

- a) diagnosed medical disorders bearing relatively well-known expectancies for developmental outcomes within varying ranges of developmental disabilities; or
- b) a history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability/delay based on medical history.

The determination of "developmental delay" or "the high probability of resulting in developmental delay" will be made by a qualified interdisciplinary team of at least two (2) or more members, including representatives from health, child development/education and social services utilizing:

- 1) one or more standardized assessments or criterion-referenced measures; and
- 2) clinical judgment and consensus of the interdisciplinary team, of at least two (2) or more members. Clinical judgment shall include observation and parental report.

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The areas to be assessed include cognitive development; physical development, including vision and hearing; language, speech and communication development; psycho-social development; or self-help skills.

When using standardized assessments or criterion-referenced measures, a "developmental delay" is defined as any of the following:

- 1) a delay in one area as determined by
 - a) two (2) or more standard deviations below the mean; or
 - b) 25% or more in function below the mean based on adjusted chronological age;
- 2) a delay in two or more areas as determined by
 - a) 1.5 standard deviations below the mean; or
 - b) 20% or more in function below the mean based on adjusted chronological age;
- 3) a delay in one area as determined by
 - a) 1.5 standard deviations below the mean with a high probability for further developmental delay because of additional risk factors related to the child's environment as determined by an interdisciplinary team; or
 - b) 20% or more in function based on adjusted chronological age with a high probability for further developmental delay because of additional risk factors related to the child's environment as determined by the interdisciplinary team.

When relying on clinical judgment, a developmental delay, consistent with the above criteria, will be determined by a consensus of the interdisciplinary team of at least two (2) or more members, based on their professional experience and expertise.

Resources to Support the Goal

There are multiple delivery structures and funding sources currently available in Illinois to aid in meeting the full educational opportunities goal and timelines. As of 1991-92, there are 91 special education service units (single district and joint agreements) which form the

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administrative basis to deliver services to children with disabilities. The LEA retains primary responsibility for insuring that the needs of each child are met. Additionally, funds flow beyond the 75% to LEAs for use for additional services as necessary, determined annually.

The following is a description of current state statutes governing categorical funding of state resources for special services:

- Section 14-7.02 of the School Code currently requires that a school district shall pay the actual cost of tuition charged for its pupils with disabilities attending nonpublic schools or special education facilities for special services. Districts paying these tuition costs are eligible for state reimbursement for the amount of such payments in a two-tier formula. The state funding provided the district for tuition payments less than or equal to \$4,500 is equal to the actual tuition of the nonpublic school less the district's per capita tuition charge for all students. For tuition payments made by the district in excess of \$4,500, the state will pay the excess of costs over \$4,500 less a second district per capita tuition charge for all students. This law provides for a free, appropriate public education at no cost to parents for students placed in nonpublic schools by their local district. For FY 92 the appropriation was \$25,540,600.

For students requiring placement in residential facilities, the room and board costs are paid by the district and reimbursed by the state on a current basis. Part B dollars are utilized for this purpose. The expenditure is about \$9,000,000 for 1990-91 (latest full year period).

- Section 14-7.02a of the School Code provides for programs for children with disabilities whose disability is so unique that the district has to provide extraordinary services. The school district choosing to offer the child extraordinary special education services is eligible for reimbursement from the state for the per capita costs for educating that child in excess of the district per capita tuition charge for the prior year or \$2,000, whichever is less. Per capita costs are actual expenditures minus state reimbursement under Section 14-13.01. For FY 92, this appropriation was \$62,300,000.

- Section 14-7.03 of the School Code provides funding from the state to reimburse school districts the actual cost of educating children with disabilities who are placed by Illinois public agencies in orphanages, foster family homes, children's homes or in state housing units. For FY 92, this appropriation was \$44,170,800.

- Section 14-7.03a of the School Code allows school districts to receive state funds authorized under both Sections 14-7.02 and 14-7.03 for children residing in orphanages, foster family homes, children's homes or in state housing units and for whom educational programming is provided in a nonpublic school as a result of school district placement decisions. Funds here are from the two line-item appropriations cited herein (14-7.02 and 14-7.03).

- Since 1957, state personnel reimbursement has been based on the number of special education personnel employed by a school district. The 1957 law provided \$3,000 for each professional worker. By 1969, reimbursement had increased to \$5,000 per professional and \$1,500 per noncertified worker; this latter figure increased to \$2,000 in 1970. In 1974, with a period of inflation and rising costs, reimbursement levels were raised to \$6,250 for the professional's salary and to \$2,500 or one-half of the noncertified worker's salary, whichever is less. In the 1985 legislative session these reimbursement levels were increased to \$8,000 and \$2,800, respectively. The FY 92 appropriation was \$200,986,400.

- Section 14-3.01(b) of the School Code provides that school districts be reimbursed four-fifths of the cost of transporting children with disabilities is described in 23 Ill. Adm. Code 226.552. Currently, the state is reimbursing districts for the special transportation costs, including summer school. The FY 92 appropriation was \$117,054,900.

- Section 14-11.01 of the School Code mandates the Illinois State Board of Education to maintain or contract for a depository to provide resources for the coordination, cataloging, standardizing, production, procurement, storage, and distribution of educational materials and assistive devices needed by children and adults with visual impairments. This service is for elementary and secondary students and post-secondary students who are visually impaired to such a degree that they cannot develop their educational potential without special services, materials and assistive devices. In spite of the general decline in school enrollments, the number of visually impaired pupils has increased. This can be attributed to better programs for identifying such pupils and better life-saving methods for infants born prematurely. The appropriations for this program take into account projected annual cost increases relative to staff and materials.

- Section 14-11.02 of the School Code mandates that the Illinois State Board of Education establish, maintain, and operate a statewide service center, including a residential educational facility for deaf-blind individuals ages three through 21. The Illinois State Board of Education contracts with an administrative agent (Keeneyville District #20) to operate the Philip J. Rock Center and School as a statewide school and service center, located in Glen Ellyn. The FY 92 appropriation for this area and the one cited immediately above is \$3,305,600.

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- Public Act 86-1200 of 1990 mandates an Interagency Board on Hearing Impaired/Behavior Disordered Children. A planned set of services is to occur based on their recommendations. There was no FY 92 appropriation.

Because children with disabilities are also provided services and programs through the facilities and funds of the Department of Mental Health and Developmental Disabilities, the Department of Rehabilitation Services and the Department of Corrections' school district, varying statutes address the provision of these educational services. Programs operated exclusively by the Department of Rehabilitation Services or the Department of Mental Health/Developmental Disabilities are generally state-funded via their respective agencies. For programs operated by local education agencies in which students reside in state housing units, program costs come entirely from Illinois General Revenue Funds pursuant to Section 14-7.03 of the School Code. The purpose is to insure that all children with disabilities receive appropriate educational services, including those who reside in a residential care facility.

Head Start programs are required to make available to children with disabilities at least 10% of the total number of enrollment opportunities and to provide services to meet their special needs. As a result of this requirement and the interagency agreement, among the Illinois State Board of Education, the U.S. Department of Health and Human Services (Regional Administrator of Office of Human Development Services) and the Illinois Head Start Association, the Illinois State Board of Education will continue to be involved with Head Start programs to assure that appropriate services are being afforded the children with disabilities so enrolled.

Data Requirements

These are contained in the "Data Report for the (specified) Year" pursuant to OSEP Memorandum 92-1.

Implementation and Commitment of Resources

The current special education service delivery system in Illinois is essentially comprised of a four-tier structure involving the local school district, the special education service units (joint agreements), regional programs and the state education agency. Primary responsibility for special education in Illinois is legally assigned to the local education agency, with each district mandated to provide an educational program appropriate to the needs of children with disabilities resident therein. The joint agreement special education service units provide more extensive services to the local district which otherwise would be impractical or impossible to provide independently. Regional or third-tier services complement the others, primarily for students with low-incidence disabilities. The Illinois State Board of Education is responsible for providing leadership services, technical assistance, administrative and monitoring services, as well as the general supervision of special education programs, services, and facilities.

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Illinois will continue its statutory mandate to develop and maintain appropriate and effective educational programs for all children with disabilities between the ages of three (3) and twenty-one (21). In doing so, the Illinois State Board of Education must recognize and accommodate the geographic, social, and cultural differences within this highly diverse state. The organizational structure has been, and will be, utilized to provide child find and related services which are both responsive to unique local situations and effective as vehicles for the provision and maintenance of full educational opportunities for all children with disabilities.

Illinois has made concerted efforts to develop and implement a statewide child identification system which includes a broad continuum of services consisting of several sequential stages. These stages begin with awareness and progress through initial identification and location, diagnosis and evaluation, service delivery, and reassessment. The Illinois State Board of Education policies and procedures regarding the expenditures of local, state and federal funds will continue to be directed towards effecting the full educational opportunity goal.

It is the policy of the Illinois State Board of Education to continue to utilize all funds made available to the state under Part B to meet the priorities established in IDEA. At each level in the service delivery system, priorities have been established to assure that programs and services in the areas of public awareness, identification, evaluation, service delivery, and reassessment are developed and implemented. The Illinois State Board of Education has specific procedures governing the expenditure of Part B funds which are directed at accomplishing the goal of full educational opportunities through non-supplanting of state and local expenditures, including:

1. calling for application for flow-through funds which are to meet the special education and related services needs of children with disabilities in the first priority; and
2. approving only those applications for funds which meet all specific policies and funding criteria for full compliance.

In planning for any additional expenditures of Part B funds for programs and projects for children with disabilities, the Illinois State Board of Education will take steps seeking to assure that proposals for such funding will include:

1. written assurance that the applicant agency has, in operation, a systematic child find and service delivery system designed to meet the special education needs of children with disabilities and youth;
2. supporting statistical documentation verifying full compliance with full educational opportunity, including a description and explanation of the services to be made available to all children with disabilities;

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3. an explicit statement that all children, between the ages of three (3) and twenty-one (21) with identified disabilities, have a free, appropriate public education.

In accordance with the preceding paragraphs, the Illinois State Board of Education will emphasize the following priorities for the use of Part B funds.

1. Priority Number 1 - unserved children with disabilities (between the ages of 3 and 21 years).

Illinois will continue providing special education and related services for all children with disabilities between 3 and 21 years of age in accordance with the School Code, the 23 Ill. Adm. Code 226, and the policies and procedures set forth in this document. No Part B funds may be utilized for programs and projects under other priorities unless this priority has been met in accordance with the specified policies and funding criteria.

2. Priority Number 2 - underserved children with disabilities (between the ages of 3 and 21 years).

As priority number 1 and 2 have been adequately met in application for funds, the Illinois State Board of Education will approve those applications for Part B funds which address the establishment of additional special education and related services for children with severe disabilities between the ages of 3 and 21 in each category of exceptionality who are currently receiving educational services, but who, on the basis of their individualized education programs, could profit from an expansion of their educational programs or by the addition of supplementary special educational services.

The estimates of federal and state resources needed to meet the special needs of children with disabilities in Illinois are delineated in the Illinois State Board of Education budget.

In order to determine what direct and supportive services should be provided by the Illinois State Board of Education, this agency solicited statewide input into the establishment of specific priorities for the use of Part B monies available to the Illinois State Board of Education from its share of the formula grant. Public hearings on the State Plan included the opportunity for public input into the establishment of these priorities. Any direct and supportive services to be provided with the funds will be within the context of this state's commitment to full educational opportunities for all children with disabilities and in accordance with the above-mentioned priorities. Those direct and supportive services to be provided will include:

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1. Supplemental grants to local special education service units to assure full implementation of high-quality programs under the previously described priorities;
2. Flow-through of Part B funds to flow-through applicants to insure continuation of direct services and to assure implementation of a full spectrum of services for children and youth with low-incidence disabilities;
3. Statewide public awareness and service coordination to assist child find and related service projects in the full implementation of effective public/parent awareness and child advocacy procedures and for the maintenance of necessary information dissemination, data retrieval and provision of services regionally to assure a free, appropriate public education for all children with disabilities in Illinois;
4. Inservice training for personnel and parents to assist in carrying out the requirements of IDEA;
5. Services to eligible individuals, birth through 2, and their families to implement the full educational opportunity goal, consistent with Illinois' Part H application and;
6. Educational research, evaluation, and program development projects solicited and based on established priorities.

Procedures to Determine the Numbers of Inadequately Served Children with Disabilities

Illinois has an operational child identification system. Each child identified as disabled has an Individualized Education Program which specifies those special education and related services required to meet his/her unique educational needs. Those children with disabilities who are receiving some services, but need additional special education and related services as specified in their Individualized Programs or Plans (IEP or IFSP), and any identified children with disabilities for whom an IEP has not been fully developed will be reported as underserved on the ISBE Form 19-88 by each applicant.

Monitoring Activities

The monitoring activities outlined in the State Plan will focus on helping districts meet the needs of first- and second-priority children, in addition to being comprehensive in nature. On a random sample basis, spot checks will occur and discrepancies will be checked through a request

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for clarification during an on-site visitation. All other monitoring activities, including procedures, will occur as outlined.

Information relative to current priorities of the Illinois State Board of Education is detailed in Chapters I (Right to Education Policy Statement), II (Full Educational Opportunity Goal), and VII (Least Restrictive Environment).

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III. CHILD IDENTIFICATION

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III. CHILD IDENTIFICATION

Child Identification

State Policies and Procedures

This section of the state plan describes the policies and procedures that the Illinois State Board of Education uses to insure that all children with disabilities who are in need of special education and related services are identified, located, and evaluated.

The process is delineated in statute at Section 14-8.02 of the School Code for children between the ages of 3 and 21 and in Public Act 87-680 for children ages birth through two. It is delineated in regulations for children between the ages of 3 and 21 in 23 Ill. Adm. Code 226.505 through 226.558. For children from birth through two, it will be delineated further in regulation pursuant to Public Act 87-680.

Each local school district submits policies and procedures as part of the grant application process. These policies and procedures address the requirements that all children residing within the jurisdiction of the local educational agency who are disabled, regardless of the severity, and who are in need of special education and related services are identified, located and evaluated.

Identification, Location and Evaluation of Children with Disabilities between the Ages of 3 and 21

Each local school district must actively seek out and identify all children with disabilities in the district who are between the ages of 3 and 21. Procedures used to fulfill this responsibility include:

1. An annual screening of children between the ages of 3 and 5 to identify those who may need special education;
2. Hearing and vision screening at regular intervals during the child's school career;
3. Speech and language screening of each child upon initial enrollment in a public school district in Illinois;
4. Annual screening by teachers and other professional personnel, for referral of those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting.

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These procedures include coordination with local and state service agencies and existing parent groups.

When a child is identified through the screening process or exhibits problems which interfere with the child's educational process and/or adjustment to the educational setting, or when there is reason to believe that a child may require special education services, the child is referred for a case study evaluation. The local school district is responsible for determining the appropriateness of the referral, deciding what further action to take, and initiating the necessary procedures. If the district refuses or fails to conduct a case study evaluation, the parents may appeal the decision in an impartial due process hearing. When the district decides not to conduct a case study evaluation, the parents will be notified, in writing, of the date of the referral, the reasons the case study evaluation was requested and the reasons the district has decided not to conduct a case study evaluation.

The parents are notified in writing, by the local school district, of its proposal or refusal to initiate or change the identification, case study evaluation, reevaluation or educational placement of a child. Written parental consent is obtained before conducting a case study evaluation of a child. Before a child is given a case study evaluation, the local school district shall be responsible for determining the child's language use pattern, mode of communication, and cultural background. The child is given a case study evaluation appropriate to the nature of the problems which caused the referral. The intensity of the evaluation procedures are to be determined by the complexity of the child's problems and the amount of information necessary to understand those problems and develop the IEP.

Identification, Location and Evaluation of Children with Disabilities from Birth through 2

For children from birth through 2, Public Act 87-680, the Early Intervention Services Systems Act, became effective September 23, 1991. It addresses child find among other provisions, as required in 34 CFR 303.321 (b). It is the ongoing mechanism by which Illinois' infants and toddlers with developmental delay or who are at risk of developmental delay are identified for appropriate evaluation, monitoring and coordination of needed services in compliance with Part H. The child find system is consistent with Part B of the Act. Both aspects of the law are under the aegis of the Illinois State Board of Education as the lead agency.

The child find system includes policies and procedures that ensure the identification, location, and evaluation of eligible infants and toddlers and a method for determining eligible infants and toddlers who are receiving/not receiving early intervention services. Local district policies and procedures are required to delineate responsibilities for the identification, location, and evaluation of children with disabilities from birth through age twenty-one. A procedures document which further clarifies and expands those responsibilities under Part H was issued by

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the Illinois State Board of Education in August, 1990. The procedures document addresses referrals by primary referral sources, evaluation and assessment (as specified in 34 CFR 303.322) and an Individualized Family Service Plan meeting held (as specified in 34 CFR 303.342) within 45 days of referral.

The special education Funding And Child Tracking System (FACTS) serves as the primary method for reporting and determining which children are currently receiving needed special education services. It includes a mechanism for reporting children from birth through 21 who are receiving either a free appropriate public education or early intervention services.

The data collection effort for children and families served by Part H-funded early intervention programs consists of forms submitted on each child entering and exiting Part H-funded early intervention programs. These forms are referred to as Demographic Reports, Parts I and II. They collect data on various child and family demographic characteristics. Part I is completed when a child enters a Part H-funded early intervention program; Part II is completed when a child exits the program or as a result of an annual reevaluation. For each quarter of the federal fiscal year, each of the 27 funded programs report the number of children and families served, the services provided and the services listed on the Individualized Family Service Plan. This data collection device is referred to as the Quarterly Reports. Similarly, the diagnostic programs have a demographic report (when a child is diagnosed) and an analogous quarterly report to complete.

Illinois does not have any unserved children over age 3. The needs assessment of the Grant Application process serves as the method to determine which children are not currently receiving needed special education and related services. Funding priorities in the grant application must be based on first priority--unserved children, and second priority -- underserved children.

The Illinois State Board of Education is assigned primary responsibility for statewide coordination of planning and implementing of the child identification, location, and evaluation efforts (Section 14-8.02 of the School Code) and lead agency responsibility for Public Act 87-680.

Other major child find efforts are conducted by various Illinois public and private agencies, as outlined below:

Vision and hearing screenings are to be provided statewide, at various intervals during a child's school attendance by technicians trained and certified by the Department of Public Health.

The Illinois Department of Public Health's Regionalized Perinatal Program includes the Adverse Programming Outcomes Reporting System (APORS)/Input Follow-up Program which identifies and tracks newborn infants at risk statewide and refers these infants to the proper public agency

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to ensure that they receive necessary follow-up services. There are 10 Regional perinatal networks covering the entire state that coordinate follow-up services including referrals to early intervention providers, and diagnostic services for evaluation and assessment and, if appropriate, the development of an Individualized Family Service Plan.

Included in the available public screenings are APORS (Illinois Department of Public Health), Medichick (Illinois Department of Public Aid), Well Baby Clinics (Department of Public Health and Public Aid), Drugs and Medical Services (Division of Specialized Care for Children), Lead Screening (Department of Public Health), and community preschool screenings by local education agencies.

School districts which have state-funded prekindergarten at risk of academic failure programs must develop eligibility criteria and conduct screening. This agency continues to recommend to school districts that the annual screening of children between the ages of 3 and 5 for these at risk programs be combined to include screening for both children who are at risk of academic failure and those with disabling conditions.

Extent to Which Activities Have Been Achieved

Part H (Birth Through Three Years of Age)

Established in 1987 under P.L. 99-457, the State Interagency Council on Early Intervention heads a collaborative effort aimed at planning, developing, and implementing a comprehensive, interagency service system for children up to age 3, who have or are at risk of developing delays per Part H requirements. The State Board of Education serves as lead agency for the Part H initiatives in Illinois. The directors for the Departments of Mental Health and Developmental Disabilities, Children and Family Services, Public Health, Public Aid, Rehabilitation Services, Alcoholism and Substance Abuse, the Division of Specialized Care for Children, the Illinois Planning Council on Developmental Disabilities and the State Superintendent for the Illinois State Board of Education or their designees serve on the Council. Parents, service providers, a legislator, and a person providing personnel training also serve on the Council. The first meeting was held in March 1988. Council meetings are open to the public and held every other month.

Illinois has begun its fifth year of participation under P.L. 99-457. The federal application for fifth year funding has been completed following hearings which were held during July, 1991, to solicit public comments. The document was submitted to the federal government in September, 1991. To date no reply has been heard. The application files a request for a waiver of fifth year requirements with extended participation at the fourth year funding level in the amount of \$3,347,095.

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For monitoring Part H, it is planned that cooperating agencies will assist the lead agency in the monitoring responsibilities. A monitoring instrument will be developed including a self-study by the program and a validation visit will be conducted by the team.

For monitoring Part B, the collection and analysis of information sufficient to determine compliance is carried out through the following coordinated, interrelated activities: local education agency applications, complaint investigations, follow-up to Level I and II due process administrative orders, focused compliance reviews, comprehensive reviews and local education agency reviews.

The application process includes submission of all the district's policies and procedures which govern the identification, evaluation, and placement of children with disabilities in special education programs and services. Approval of applications is contingent upon documentation that the applicant has current, an approved policies and procedures.

Focused reviews may be conducted as a result of any of the following: a regular review of the district/joint agreement file information, an allegation or reason to believe that a violation of compliance exists based on data from staff responsible for program approval and/or compliance; statewide issues as determined by the Department of Special Education and deficiencies in compliance identified in previous years and noted again in the current year.

Comprehensive reviews will be conducted on a periodic basis and will assess the effectiveness of special education programs and services. Strategies included in this review structure are self-evaluation and peer review as supported by the staff of the Department of Special Education. This monitoring will primarily be used for program improvement and will be conducted on a cyclical basis.

The methods used to determine which children are and are not receiving special education and related services are described in paragraphs 9, 10 and 11 of this Section.

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A **Legislative Committee** was convened in December 1989 to develop draft legislation for early intervention services in Illinois. A House Joint Resolution was also drafted in March 1990 and introduced April 25 to the House. It was passed by both the House and the Senate and signed on June 13, 1990. The resolution set up an 11 member appointed **Special Joint Committee on Early Childhood Intervention** to review all policies, plans, and problems identified by the SICEI regarding the adoption and implementation of a statewide system. Two public hearings to receive comments regarding a statewide early intervention system were held on November 19 and November 27, 1990. Before the Committee ceased to exist on January 1, 1991, it developed a report to the General Assembly on its findings, conclusions and recommendations, including recommended legislation and specific necessary funding regarding the creation and implementation of a statewide mandatory early intervention system. The Special Joint Committee released its report at a press conference on February 12, 1991 recommending legislation to mandate services for infants/toddlers and their families under Part H. House Bill 954--the Early Intervention Services System Act--was introduced in March, 1991. House Bill 954 was passed by the General Assembly and signed by Governor Edgar on September 23, 1991 as PA 87-680.

The Lead Agency expanded an existing computerized information referral system to comprise the **Central Directory** in fulfillment of the federal Part H requirements. A grant has been awarded to Direction Service for this purpose.

The Council approved a **Public Awareness Plan** at the February, 1991, Council meeting. Under the banner "Look What I Can Do" (Early Intervention for Young Children with Developmental Delays), the first phase of public awareness focused on increased awareness of early intervention among the general public and support for a legislative mandate. The public awareness theme is "The Sooner We Start, the Farther They'll Go."

Child Find: Building Better Tomorrows, is a marketing campaign developed through a grant to Gallatin-Hardin-Pope-Saline Educational Service Region. The campaign has two basic goals: (1) to help local education agencies notify large numbers of people in diverse target audiences that Child Find can assist in securing appropriate programs and services for persons with disabilities under the age of 21 years and (2) to help local education agencies inform parents of persons with disabilities identified through Child Find of their rights to programs and services. The marketing program was designed to serve local school districts through the State Board of Education and special education cooperatives in Illinois. Program materials are made available to local school districts via their special education cooperatives. A toll-free number (1-800-851-6197) is also operated as part of the campaign.

Each type of activity to be carried out during the period of the plan including the role of the coordinating agency is a continuation of the activities implemented under the previous plan.

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IV. INDIVIDUALIZED EDUCATION PROGRAMS

IV. INDIVIDUALIZED EDUCATION PROGRAMS

Individualized Education Programs

The Illinois State Board of Education requires each public school district to develop an IEP for every student with a disability prior to the provision of special education and/or related services. This responsibility includes students with disabilities who are enrolled in a private or parochial school and who receive special education and or related services from a public agency. All districts are required, once a student is eligible for specialized instruction and has an IEP, to review the IEP and to revise it annually based on the needs of the student.

The Illinois State Board of Education has procedures to monitor and evaluate special education programs in the public schools. These procedures are included in the Illinois Special Education Monitoring Manual: Administrative Procedures for Assuring Regulatory Compliance.

State Agency Responsibility

Each public school district responsible for the education of a student with a disability must develop, implement and annually review an IEP for those students who are enrolled in the district and

1. are being educated within the district,
2. are placed in or referred to a private school or facility by the public agency, or
3. are enrolled in a parochial or other private school and receiving special education or related services from a public agency.

The state education agency has a system which regularly monitors this provision. This system is described in the Illinois Special Education Monitoring Manual: Administrative Procedures for Assuring Regulatory Compliance.

When IEP Must Be in Effect

An IEP must be in effect for a student with a disability:

1. at the beginning of each school year for every child who is receiving special education from a public school district,
2. prior to the provision of special education and related services to the student; and

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3. must be implemented as soon as possible following the IEP meeting(s) and no later than the beginning of the next school semester.

IEP Meetings

Pursuant to state and federal regulations, all public school districts must develop, implement, review and revise an IEP in the following manner:

Within thirty (30) days following the determination of student eligibility for specialized instruction, the district shall convene a conference for purposes of developing, or, when a student has been receiving services, for at least annually reviewing and revising the IEP.

When a participating agency for the provision of transition services, which is other than the educational agency, fails to provide agreed upon transition services, the educational agency shall, following the procedures delineated in this chapter, reconvene the IEP team to identify alternative strategies to meet the objectives of the transition plan.

Participants in Meetings

The participants at the meeting to develop an IEP must include:

1. A representative of the local school district, other than the child's teacher, who is authorized to commit services;
2. The child's teacher;
3. The child's parent(s);
4. The child, where appropriate;
5. For a child who has been evaluated or reevaluated, a member of the evaluation team or one of the other educational personnel who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation;
6. An interpreter for the deaf, if necessary;
7. Other individuals at the discretion of the parent or local district.

Parent Participation

The responsibility for ensuring parent participation and notifying parents of the opportunity to participate as well as documenting the district's efforts to secure parent participation at each IEP meeting includes:

1. At least ten (10) days prior to the conference, notice is provided to the parents/guardians of the student notifying them of the conference and of their

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opportunity to participate in the development of their child's IEP. That notice must include the following information:

- a. The purpose of the meetings;
 - b. The date, time and location of the conference;
 - c. The names and titles of all participants;
 - d. A statement of the opportunity to reschedule the meeting at a mutually agreed time, date and location.
2. If neither parent can attend, the public agency shall use reasonable efforts to convince the parents to participate such as visits to the parents' homes or place of employment, telephone calls to parents, and written communication to the parents.
 3. When the public agency is unable to convince the parents that they should attend, a record of its attempts to arrange a mutually agreed on time and place must be maintained. This record may include detailed records of telephone calls made/attempted and the results of those calls, copies of correspondence sent to the parents or from the parents, and detailed records of visits made to the parent's home or place of employment and the results of those visits.
 4. For parents who may have difficulty understanding the proceedings at an IEP meeting, the public school district must take whatever action is necessary to ensure their understanding. Those actions may include, but are not necessarily limited to, arranging for an interpreter for parents who are deaf or whose native language is other than English.

Content of IEP Program

The conference participants must develop an IEP based on the needs of the student which must include:

1. A statement of the child's present levels of educational performance which includes in the areas adversely affected by the disability, at a minimum, the following elements:
 - a. results, since the last IEP, of any tests administered by district personnel to the child during the individual evaluation or as part of the regular school program, and

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- b. results since the last IEP of any non-test based evaluation conducted by district personnel of the child's social and emotional status, general intelligence, academic performance, communicative status, motor abilities, or vocational aptitude;
- c. the adverse effects of the child's disability on the child's educational performance;
- d. and shall not consist of a categorical label such as mentally impaired or deaf; and
- e. are linked to the statement of annual goals, short-term instructional objectives and specific special education and related services to be provided to the child as outlined in the IEP.

2. A statement of the annual goals, including the short-term instructional objectives. Annual goals are descriptions of what the child can reasonably be expected to accomplish within the timeframe covered by the IEP in all areas adversely affected by the disability. Short-term instructional objectives are measurable milestones which must be established for each identified annual goal, expressed in terms of anticipated outcomes or improvements, expressed for a period of time, and reasonably calculated to ensure the accomplishment of the specific annual goal(s).

3. A statement of the specific special education and related services to be provided to the child which do not include those services provided by licensed physicians, licensed dentists, physician extenders, registered or licensed practical nurses, or other medical personnel.

4. The extent to which the child will be able to participate in regular educational programs. This must include a description of the activity or the percentage of time the child will participate in the activity. These activities are in the academic, nonacademic and extracurricular areas which the child would attend if he/she were not disabled.

5. The projected dates for initiation of services and the anticipated duration of the services.

6. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved. These criteria must be directly related to the

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anticipated outcomes or improvements established by the statement of annual goals.

7. For students age 14.5 and over, consideration of transition goals and needed services. When services are required from agencies other than education, these services and the person(s)/agency responsible for the service must be included.

For a student preparing to leave the school setting, the interagency responsibility(ies) or linkages necessary to achieve the transition plan must be documented on the IEP.

Once the goals and objectives of the IEP are determined, the conference participants develop placement recommendations based on those goals and objectives and apply proper least restrictive environment considerations. These considerations must include:

1. The educational program which is appropriate to the student's needs and least restrictive of the student's interaction with students who are not disabled;
2. The special education placement based on the child's IEP and located as close as possible to the child's home;
3. That the child must be educated in the school which he or she would attend if not disabled, unless the IEP of the child requires some other arrangement;
4. Consideration of any potentially harmful effects on the child, or the quality of services which he or she needs.

Following the development of the IEP and the determination of placement, the parent, on request, will be provided with a copy of the IEP.

At the close of the IEP meeting, the public school district will give to the parent a notice prior to placement of the child and a consent for initial placement form. This information must include:

1. The result of the case study evaluation,
2. The nature of the special education program or services needed by the child,
3. The recommendations for placement and the plan for implementing those recommendations,
4. Their right to object to the proposed placement and the specific procedures in making such objection, including the procedures for requesting an impartial due process hearing.

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If the parents consent to the proposed placement, they may waive the ten (10) calendar day interval before placement, and the child shall be placed in the recommended program as soon as practicable.

When the parents object to the proposed placement, they may appeal it by requesting a Level I hearing. Such a request must be made in writing to the superintendent of the local school district.

Private School Placements

For a child who may be served in a private school/facility or parochial school, a representative of the private school facility or the parochial school must be included in the meeting to develop the IEP. When the representative of the private school or facility cannot attend, the public school district shall use other methods to ensure participation of the private school or facility. These methods may include, but are not limited to, individual or conference telephone calls.

A meeting to review and revise the IEP may be initiated and conducted by a private school or facility at the discretion of the public agency when a student has been placed in the private school. In such cases the public school district shall ensure that the parents and a public school district representative are involved in any decision about the child's individualized education program, and agree to any proposed changes in the program before those changes are implemented.

Responsibility for compliance with private school placements remains with the public agency and the state educational agency which has a process for ongoing monitoring of this system.

Children with Disabilities in Parochial or Other Private Schools

Responsibility for convening a meeting to initiate and conduct a meeting to develop, review, and revise an IEP for a child with a disability enrolled in parochial or other private schools and to ensure proper representation of the private or parochial school is delineated in chapter XI, entitled Private Schools.

Individualized education program accountability

Each public school district is responsible for providing special education and related services in accord with an IEP which has been developed for each child with disabilities. However, the law does not require an agency, teacher or other person be held accountable if the child does not achieve the growth projected in the annual goals and objectives.

Full educational opportunity goal

See Chapter II, Full Educational Opportunity Goal.

Program Options

All districts/joint agreements in Illinois must have a full continuum of special education service options available to students with disabilities. In addition, options available to students with disabilities include the variety of educational programs and services available to non-disabled students who are served by the agency serving the student with a disability.

Nonacademic Services

All students with disabilities are to have access to nonacademic and extracurricular services and activities as are available and afforded to students without disabilities. Each student shall have an equal opportunity to participate in the nonacademic and extracurricular services and activities of the district providing the special education services. The nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public school district, referrals to agencies which provide assistance to disabled persons, and employment of students, assistance provided by the public agency in making outside employment available, meals, and recess periods.

Physical Education

All students with a disability receiving a free appropriate public education must receive physical education services, specially designed if necessary. Each child with a disability is afforded the opportunity to participate in the regular physical education program of the district which is available to nondisabled students unless the child is enrolled full-time in a separate facility or the child needs specially designed physical education, as included in the child's IEP.

In such cases where specially designed physical education is included in a student's IEP, the public school district responsible for the education of the student shall provide the service directly or shall make arrangements for them to be provided through other public or private programs.

When a student with a disability is enrolled in a separate facility, the public school district responsible for the education of the student shall ensure that the child receives appropriate physical education services, either regular or specially designed.

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V. PROCEDURAL SAFEGUARDS

Procedural Safeguards

Illinois has policies, statutes and regulations developed to assure the appropriate provision of procedural safeguards for children with disabilities and their parents/legal guardians. These policies, statutes and regulations are binding on all public schools in Illinois and are applicable to all private facilities for the individuals with disabilities receiving public funds, see Section 14-7.02 of the School Code.

The system of procedural safeguards provides for notification, prior consent, complaint resolution, mediation and impartial due process hearings to resolve controversies among and between school districts, parents/legal guardians/surrogate parents, and persons or parties who have primary care and custody of a child.

Implementation Procedures/General Responsibilities of Public Agencies

The Illinois State Board of Education requires all independent districts and joint agreements to submit and implement a complete set of procedures which have been reviewed and approved by staff of this agency. These procedures have been developed by districts and joint agreements after a series of training workshops by the Department of Special Education. Local education agencies are required to submit revisions as necessary to be in compliance with state and federal regulations.

Opportunity to Examine

The mandated Notice and Consent Form includes assurances that consent is voluntary as does the parent's rights statement contained in A Parent's Guide: Educational Rights of Children with Disabilities. These same documents notify parents of their rights to access records.

Independent Education Evaluation

If the parents disagree with an evaluation obtained by the local school district, the district shall inform the parents of the opportunity to obtain an independent evaluation at public expense.

- In such cases, the local district may initiate an impartial due process hearing prior to such independent evaluation to demonstrate that the district's evaluation is appropriate.
- If the final decision is that the local district's evaluation is appropriate, the parent shall have the right to an independent evaluation, but not at public expense.

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The State Board of Education has contracted with Southern Illinois University to provide, manage and distribute a list of independent evaluators. Additionally, the Illinois Administrative Code insures that the qualifications of the evaluators on the list are the same as certificated district employees.

All hearing officers have been informed that among their duties and options is to determine the need, if any, for an independent evaluation and to order such an evaluation at public expense if they determine a need for such an evaluation.

Prior Notice: Parent Consent

Illinois presently requires notice when a school refers a child for a case study evaluation. Written parental consent to perform the case study evaluation and written parental consent to initially place a student in special education are required. Written parent notification is required 10 days prior to change, continuation or termination of special education. In instances when the parent refuses consent, the local district must initiate a due process hearing to determine the appropriateness of the proposed action.

Content of Notice

Illinois presently requires all school districts either individually or jointly through a cooperative agreement to develop and implement procedures for creating public awareness of special education programs and for advising parents of the rights of children with disabilities. Such procedures must include annual notification to all parents regarding the special education programs and services available including their right to obtain copies of Illinois' regulations for special education. Further, when making notification of a proposed action, placement or refusal to do either, a school district must detail, as appropriate, in this notice the reasons for the action.

This notice shall be provided in the native language of the parents or other mode of communication used by the parents.

Impartial Due Process Hearing

Parents, legal guardians and/or school districts may request a hearing when there are differences regarding a proposal to initiate or change the identification, evaluation or educational placement of the child. Requests for hearings result in a hearing conducted at the local level by an impartial hearing officer.

The Illinois State Board of Education provides, upon request, technical assistance related to the conduct and procedures for hearings. This is accomplished primarily through staff inservice projects, written communication, presentations, publications and other information dissemination

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procedures. The Illinois State Board of Education has published for statewide dissemination A Parent's Guide: Educational Rights of Children with Disabilities which details parent rights, the procedures necessary to invoke due process proceedings and suggested steps for the conduct of such hearings. This publication is available in English and Spanish. Further, through such organizations as the Illinois Association of Retarded Citizens, the Coordinating Council for Handicapped Children, the Illinois Alliance for Exceptional Children and Adults and other parent, consumer and advocacy groups, the Illinois State Board of Education cooperates with a statewide network of advocates who are available to provide "free or low-cost legal and other relevant services" to any person(s) party to such a hearing.

Impartial Hearing Officer

The Illinois State Board of Education has available qualified persons to serve as Level I impartial due process hearing officers. Criteria for hearing officers are as follows: 1) shall not be an employee of the State Board of Education, the local school district, any joint agreement or cooperative program in which the district participates, or any agency or organization that is directly involved in the diagnosis, education or care of the student; 2) shall not be a resident of the district involved; 3) shall not be involved in the decisions already made about the child regarding identification, evaluation or placement, and may not have a personal or professional interest which would conflict with his or her objectivity; and 4) shall possess knowledge and information, acquired through training under the auspices of the State Board of Education about applicable case law and rules and regulations related to the education of disabled students and the nature and educational needs of exceptional children.

Hearing Rights

Any party to a hearing, as detailed above, has the right to representation and counsel, to present evidence and examine the witnesses, to compel the attendance of witnesses, to obtain a written or verbatim record of the hearing, and to obtain written findings of fact and decisions.

Parents have the right to open the hearing to the public.

Illinois rules provide for the attendance at a hearing of the child for whom the hearing has been convened. Further, since any party to the hearing, including parents, can compel attendance of any person at a hearing, parents are assured of the right to have their child present if they so desire.

Hearing Decision: Appeal

In Illinois, state-trained Level I hearing officers render decisions to the parties. Local school districts are responsible for implementation of the hearing officer's orders. The Level I decision

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is binding upon the parties unless appealed by either party. The Illinois State Board of Education may enforce the Level I decision by denying approval of special education programs, withholding state or federal funds, reducing school district recognition status or initiating court action. Either party aggrieved by the decision of the hearing officer may appeal that decision to the State Board of Education.

Administrative Appeal: Impartial Review

Either party aggrieved by the Level I hearing officer's decision may appeal that decision to the State Board of Education. The State Board has available trained impartial Level II review officers to consider the appeal based upon a study of the entire hearing record. The qualifications for Level II review officers are as follows: 1) shall not be an employee of the State Board of Education; 2) shall not be gainfully employed by or administratively connected with the school district, joint agreement, or cooperative program which is to be reviewed; 3) shall be accredited by a national arbitration organization; and 4) shall possess knowledge and information acquired through training under the auspices of the State Board of Education about applicable case law and rules and regulations related to the education of disabled students and the nature and educational needs of those children. The Level II reviewing officer, at the request of either party, shall afford the parties an opportunity for additional testimony. Parents and the local district must provide each other with any additional information provided to the Level II review officer either by request of the review officer or by the parent or district. The Level II review officer submits the review decision within thirty (30) days of the receipt of the appeal except when an extension of a specified length has been granted by request of the parties to the review.

Upon completing the review, the Level II review officer issues an administrative order which is binding on all parties to the review and may be enforced by the State Board of Education by denying approval of special education programs, withholding state or federal funds, reducing school district recognition status or initiating action in a court of law.

Civil Action

Any party aggrieved by the findings and/or decision rendered in a Level I impartial due process hearing and any Level II review shall have the right to bring a civil action in a circuit court of competent jurisdiction.

Parents in Illinois are notified of their right to bring civil action if they are dissatisfied with the Level II review decision in the Illinois State Board of Education document, A Parent's Guide: The Educational Rights of Children with Disabilities. The handbook is disseminated to each local school district and joint agreement. Whether or not the LEA or joint agreement provides the information contained in the handbook to parents is monitored as a regular component of the

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Illinois State Board of Education compliance visits. Additionally, parents who contact the State Board of Education regarding parent and student rights are furnished a copy of the handbook directly from this office.

Timelines and Convenience of Hearings and Reviews

In Illinois, once a request for a hearing is initiated, the local district receiving or initiating the request must request a list of prospective hearing officers from the Illinois State Board of Education. The parent and local district select a hearing officer from the list of five (5) prospective hearing officers provided by the Illinois State Board of Education through a striking process.

The local district shall notify the Illinois State Board of Education of the selection. The State Board shall appoint the hearing officer. Once appointed, the hearing officer is instructed to hold the hearing within fifteen (15) days of his or her appointment, but may extend that timeline if both parties agree. Hearings shall be held at a time and place convenient for both parties involved. Once the hearing has been completed, the hearing officer has ten (10) calendar days to issue a decision to the local district and the parents.

Upon receipt of the Level I hearing officer's decision, either party to the decision has thirty (30) calendar days to request a Level II review by notifying the Illinois State Board of Education in writing.

Upon receipt of an appeal, the Level II reviewer has thirty (30) calendar days in which to provide a decision relative to the Level II review, but may extend that deadline for a specific length of time at the request of the parties (Section 226.690).

The Department of Special Education provides follow-up to all Level I due process hearings and Level II administrative orders. The following is the procedure used by the Department.

Procedure for Follow-up to Local Due Process Hearings

1. Department of Special Education staff review each local due process hearing report.
2. Department of Special Education staff prepare a letter to the parent and the district delineating the compliance material required and the due date. The due date is generally set by the hearing order.
3. A letter is sent to the district and parents indicating that:

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- a. Documentation received to date complies with the local hearing officer's decision and the case is closed; or
- b. The status report and/or documentation does not comply with the hearing officer's decision and a list of needed remediations is being returned to the district. Correspondence is to be addressed to the district and the parent/guardian.
- c. An on-site visit to promote compliance, as needed, may be scheduled.
4. If the district does not comply within the specified time, the State Board of Education begins enforcement.

Administrative Orders for State Level II Review Procedure

1. A Department of Special Education staff member will review the Level II order and note follow-up that is necessary. A letter is prepared to the parent and district delineating the compliance material required and the due date. The due date is generally set by the hearing order.
2. A Department of Special Education staff member will followup accordingly:
 - a. Documentation received complies with the local hearing officer's decision and the case is closed; or
 - b. The status report and/or documentation does not comply with the hearing officer's decision and a list of needed remediations is being returned to the district. Correspondence is to be addressed to the district and the parent/guardian.
 - c. An on-site visit to promote compliance may be scheduled, as needed.
3. If the district does not comply within the specified time, the State Board of Education begins enforcement.

Children's Status during Proceedings

A child, about whose educational program a hearing has been requested, will remain in his/her current placement unless a change is agreed to by the parties to the hearing.

Similarly, if the child is receiving no educational service and the parents are seeking initial placement in a public school, the child, with the consent of the parents, must be placed in a public school program until the completion of all the proceedings.

Surrogate Parents

When the parent of a disabled child is unavailable or the child with known or suspected disabilities is a ward of the Department of Children and Family Services, the local district shall request the appointment of a surrogate parent by the Illinois State Board of Education. When the child is a ward of the state, the child's court-appointed guardian or custodian "shall be entitled to the rights and privileges accorded to the natural parents of a child resident in the local district".

A person serving as a surrogate parent must be a responsible citizen, other than an employee of the Illinois State Board of Education, or the local school district in which the child is enrolled and may not be an employee of an agency involved in the care of the child, and shall possess a racial, linguistic and cultural background as similar to the child as possible and shall complete the Illinois State Board of Education's training program.

Mediation

In January of 1982, the Illinois State Board of Education began a voluntary mediation system. This system assists parties in resolving differences in a less adversarial fashion. Mediation occurs prior to due process hearing.

Since January 1, 1982, mediators for the State Board of Education have conducted 1,211 mediations. 82.35% of those mediations have resolved the dispute. Currently, there are 12 trained mediators. Parents and local education agencies gain a better understanding of each other's concerns through the mediation process. The resolution of these disputes has contributed to a decrease in the number of due process hearings, and also encouraged a cooperative working relationship between schools and parents.

VI. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

Confidentiality

Article 50-4 of the School Code states that:

1. Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records, whether or not such records are in his personal custody or control.
2. The official records custodian shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records.
3. Information contained in or added to a school student record shall be limited to information which is of clear relevance to the education of the student.
4. Information added to a student temporary record after the effective date of this Act shall include the name, signature and position of the person who has added such information and the date of its entry into the record.
5. Each school shall maintain student permanent records and the information contained therein for not less than 60 years after the student has transferred, graduated or otherwise permanently withdrawn from the school.
6. No school shall maintain any student temporary record or the information contained therein beyond its period of usefulness to the student and the school, and in no case longer than 5 years after the student has transferred, graduated or otherwise permanently withdrawn from the school. Notwithstanding the foregoing, a school may maintain indefinitely anonymous information from student temporary records for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.
7. The principal of each school or the person with like responsibilities or his or her designee shall periodically review each student temporary record for verification of entries and elimination or correction of all inaccurate, misleading, unnecessary or irrelevant information. The State Board shall issue regulations to govern the periodic review of the student temporary records and length of time for maintenance of entries to such records.
8. Before any school student record is destroyed or information deleted therefrom, the parent shall be given reasonable prior notice in accordance with regulations adopted by

VI. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

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the State Board and an opportunity to copy the record and information proposed to be destroyed or deleted.

9. No school shall be required to separate permanent and temporary school student records of a student not enrolled in such school on or after the effective date of this Act or to destroy any such records, or comply with the provisions of paragraph (g) of this Section with respect to such records, except (1) in accordance with the request of the parent that any or all of such actions be taken in compliance with the provisions of this Act or (2) in accordance with regulations adopted by the State Board.

Notice to Parents

23 Ill. Adm. Code 375.30 states:

1. Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parent(s) of their rights under the Act as specified in subsection (d) of this Section.
2. All notification to parents of children classified under Section 14C-3 of the School Code shall be in English and in the language of the child's primary speaking ability.
3. This notification may be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery by the student to the parent, or incorporated in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.

4. Such notification shall consist of:

- a. The types of information contained in the permanent and temporary records;
- b. The right to inspect and copy permanent and temporary records and the cost of copying such records;
- c. The right to control access and release of school student records and the right to request a copy of information released;
- d. The rights and procedures for challenging the contents of the school student record;
- e. The persons, agencies or organizations having access to student records without parental consent;

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- f. The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;
 - g. The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;
 - h. A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment credit or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under the Act or this Part.
 - i. The right of the parents to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and,
 - j. Any policies of the school relating to school student records which are not included in the Act or this Part.
5. The principal of each school or the person with like responsibilities or his or her designee shall take all action necessary to assure that school personnel are informed either orally or in writing of the provisions of the Act and this Part.

Additional information regarding public notice prior to major identification, location and evaluation activity can be found at 23 Ill. Adm. Code 226.505.

Access Rights/Record of Parties Obtaining Access

Article 50-6 of the School Code states that no school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except as follows:

1. To a parent or student or person specifically designated as a representative by a parent;
2. To an employee or official of the school or school district or State Board with a current demonstrable educational or administrative interest in the student, in furtherance of such interest;

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3. To the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled or intends to enroll, upon the request of such official or student;
4. To any person for the purpose of research, statistical reporting or planning, with the permission of the State Board or an authorized official of such Board, provided that no student or parent can be identified from the information released;
5. Pursuant to a court order, provided that parent shall be given prompt written notice upon receipt of such order of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order and an opportunity to inspect and copy the school student records and to challenge their contents;
6. To any person as specifically required by State or federal law; or
7. Subject to regulations of the State Board, in connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;
8. To any person, with the prior, specific, dated written consent of the parent designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent shall be advised in writing that he/she has the right to inspect and copy such records, to challenge their contents in and to limit any such consent to designated records or designated portions of the information contained therein.

No information may be released unless the parent receives prior written notice of the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records. There is a provision, however, that such notice shall be sufficient if published in a local newspaper of general circulation or other publication directed generally to the parents involved, where the proposed release of information relates to more than 25 students.

A record of any release of information pursuant to this Section must be made and kept as a part of the school student record and subject to the access granted by Section 50-5 of the Illinois School Student Records Act. Such record of release shall be maintained for the life of the school student records and shall be available only to the parent and the official custodian. Each record of release shall also include:

1. The nature and substance of the information released;
2. The name and signature of the official records custodian releasing such information;

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3. The name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;
4. The date of the release; and
5. A copy of any consent to such release.

Except for the student and his/her parents, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a parent may permit any other person to have access to such information without prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

Nothing contained in this Act shall prohibit the publication of student directories which list student names, addresses and other identifying information and similar publications which comply with regulations issued by the State Board.

The Illinois State Board of Education requires the maintenance of minimum personal information necessary to a school in the education of the child. Such information may include the student's name, birthdate, address, grades and grade level, parent's name and addresses, attendance records and other entries the State Board may require or authorize. This minimal personal information is kept on any person enrolled or previously enrolled in a school.

All rules and regulations adopted by a school relating to the maintenance of, access to, dissemination of or challenge to school student records shall be available to the general public.

The Illinois State Board of Education promulgated rules and regulations to govern school student records, 23 Ill. Adm. Code 375 (School Student Records).

- Section 375.30 stipulates the responsibility of the school to inform parents of rights to review and inspect records.
- Section 375.50 specifies that cost for copies of records to a parent or student cannot exceed \$.35 per copy and inability to bear the cost of such copying cannot be a reason for denying a request. General maintenance and retrieval is an assumed responsibility of the district and is so reflected in the tone of all regulatory language within the state policy.
- Section 375.30 specifies that the school principal of each school or designee is responsible for assuring that training and instruction are provided regarding these policies.

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- Section 375.30 specifies that a record of persons, agencies, or organizations having access to student records will be available to parents.

Parents may have representatives inspect and review the records if there is prior, specific, dated, written consent of the parent designating the person to whom such records may be released, the reason for the release, and the specific records to be leased.

Information pertaining to the identification, education, and placement of a child with a disability and the provision of a free, appropriate public education are considered to be a part of a student's Temporary Record. Parents must be notified of their right to inspect and copy permanent and temporary records and the cost of copying these records. A parent's or student's request to inspect and copy records must be granted within a reasonable time, and in no case later than 15 school days after the date of receipt of such request by the official record custodian.

"Parent" is defined as a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student.

Each school shall designate an official records custodian who shall, among other duties, record the name, signature and position of the person who has added information to records, along with the date of access.

A parent or any person specifically designated as a representative by a parent shall have the right to inspect and copy all school student permanent and temporary records of that parent's child.

Record on More Than One Child

The Illinois State Board of Education's internal procedures, the procedures of its subgrantees and the Illinois Student Records Act all assure that no records containing information on more than one student are presented for inspection, review or copied in any way as to divulge information concerning any student other than the student who is the subject of the inquiry.

The regulatory procedures to challenge educational records are outlined below:

Challenge Procedures

1. Parents shall be notified of their right to a hearing to challenge any entry exclusive of grades in the school student records on the basis of:
 - a. accuracy;
 - b. relevance; or,

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- c. propriety.
2. The request for a hearing shall be submitted in writing to the school and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.
 3. Each school shall establish administrative procedures for parents to challenge the contents of student records. Such procedures shall include:
 - a. An initial informal conference with the parents, within 15 school days of receipt of the request for a hearing.
 - b. If the challenge is not resolved by the informal conference, formal procedures shall be initiated.
 - c. A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.
 - d. The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
 - e. At the hearing each party shall have the rights outlined in Sections 7(b)(1) through 7(b)(4) of the Act.
 - f. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.

List of Types and Location of Information

Districts shall notify parents of the types and locations of educational records collected, maintained or used by the district.

Fees

The regulations also state that the school may charge the actual cost of providing a copy of the school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page.

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Amendment of the Record

Parents have the right to challenge the accuracy, relevance or propriety of any entry in the school student records, exclusive of academic grades of their child. The school district shall hold an initial informal conference regarding the parents' challenge of the records.

Opportunity for a Hearing

Procedures for the hearing process are outlined in 23 Ill. Adm. Code 375.90. The hearing officer, after deciding the case, must inform both parents and district of that decision. Either party has a right to appeal that decision.

Policies for parental consent for release of information are covered in the regulations, including policies for emergency release of records.

Each school shall designate an official records custodian who is responsible for the maintenance, care and security of all school student records. Any information added to a temporary record (after March 24, 1976) shall include the name, signature and position of the person who has added such information and the date of its entry into the record.

The school district informs parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to a child, through the regulation requirements for the school to notify the parents and student of the destruction schedule for the student permanent and temporary records and the parents' right to request same before destruction.

All rights and privileges accorded to a parent become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

Compliance with the above-stated statutes and regulations is monitored by the Illinois State Board of Education.

Results of Hearing

The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:

1. To retain the challenged contents of the student record;

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2. To remove the challenged contents of the student record; or
3. To change, clarify or add to the challenged contents of the student record.

Any party shall have the right to appeal the decision of the local hearing officer to the Superintendent of the Educational Service Region within 20 school days after such decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Superintendent of the Educational Service Region. The school may initiate an appeal by the same procedures. Upon receipt of such documents, the Superintendent of the Educational Service Region shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of appeal involves the accuracy, relevance or propriety of any entry in special education records, the Educational Service Region Superintendent should seek advice from special education personnel:

- 1) who were not authors of the entry, and
- 2) whose special education skills are relevant to the subject(s) of the entry in question.

The school shall be responsible for implementing the decision of the Superintendent of the Educational Service Region.

Hearing Procedures

See Opportunity for a Hearing

Consent

See Access Rights

Safeguards

This agency annually conducts an inservice session which has as its content the responsibility to ensure confidentiality of personally identifiable information at collection, storage, disclosure and destruction. This training is the responsibility of a staff member who also is responsible for

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random inspection of the workplace to ensure that personally identifiable information is handled in a confidential manner.

It is the policy of the agency to provide the names and positions of all employees who have access to personally identifiable information upon specific request.

Destruction of Information

The State Board of Education maintains the following information on children with disabilities for the purpose of fulfilling requirements of the United States Department of Education: name, birthdate, school district, disability, level of service, related services.

This information is gathered from all special education joint agreements and independent districts through both electronic and manual data gathering. The information is aggregated at the headquarters of the State Board of Education and is used for the aforementioned purpose. Additionally, aggregated information is used for the following purposes:

1. Monitoring
2. Research
3. Long-range planning

The Illinois School Student Records Act details and regulates the security, maintenance, disclosure, retention and destruction of personally identifiable student records.

The destruction of records which are no longer needed is covered in Section 50-14f-i of the Illinois School Student Records Act.

1. No school shall maintain any student temporary record or the information contained therein beyond its period of usefulness to the student and the school, and in no case longer than 5 years after the student has transferred, graduated or otherwise permanently withdrawn from the school. Notwithstanding the foregoing, a school may maintain indefinitely anonymous information from student temporary records for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.
2. The principal of each school or the person with like responsibilities or his or her designee shall periodically review each student temporary record for verification of entries and elimination or correction of all inaccurate, misleading, unnecessary or irrelevant information. The State Board shall issue regulations to govern the

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periodic review of the student temporary records and length of time for maintenance of entries to such records.

3. Before any school student record is destroyed or information deleted therefrom, the parent shall be given reasonable prior notice in accordance with regulations adopted by the State Board and an opportunity to copy the record and information proposed to be destroyed or deleted.
4. No school shall be required to separate permanent and temporary school student records of a student not enrolled in such school on or after the effective date of this Act or to destroy any such records, or comply with the provisions of paragraph (g) of this Section with respect to such records, except (1) in accordance with the request of the parent that any or all of such actions be taken in compliance with the provisions of this Act or (2) in accordance with regulations adopted by the State Board.

Children's Rights

Children are afforded the same rights of privacy as their parents as covered in Section 50-2q of the School Student Records Act and states:

All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

Enforcement

The compliance of local education agencies with the following legal obligations is assured and monitored by the Department of Special Education, Illinois State Board of Education.

- 34 CFR, Subtitle B, Part 300, Assistance to States for Education of Handicapped Children;
 - 34 CFR, Part 76, (with Appendices) Education Department General Administrative Regulations;
 - 23 Illinois Administrative Code 226, Illinois State Board of Education;
- The School Code of Illinois, Illinois Revised Statutes, Chapter 122

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Monitoring is defined by the Department of Special Education as the ongoing process of collecting and analyzing information from all entities serving children with disabilities to determine compliance with all state and federal requirements. A proper standard of monitoring, as required by Federal regulation, includes procedures for the correction of deficiencies within a reasonable period of time and for the enforcement of all state and federal legal obligations.

To achieve the expectations of this definition, the Illinois Special Education Monitoring Manual was developed and includes specific standards extracted from the laws, rules and regulations, and guidelines. The intent of this manual is to assist administrators in understanding the standards against which their programs and services are measured.

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VII. LEAST RESTRICTIVE ENVIRONMENT

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VII. LEAST RESTRICTIVE ENVIRONMENT

Number of Children

The numbers of children with disabilities within each disability category who are participating to any degree in regular education programs and the numbers who are in separate classes or separate school facilities or are otherwise removed from the regular education environment, are submitted in the state's annual Federal Data Report.

General: Illinois State Board of Education Policy on LRE

Both federal and state laws and regulations governing services for children with disabilities in school districts require that children with disabilities be "placed" in the least restrictive environment. These requirements mean that school districts must consider placement of a child with disabilities in the regular classroom which the child would attend if he/she were not disabled, unless the nature or severity of the child's disability is such that the child cannot satisfactorily accomplish the educational goals and objectives in the IEP in that environment even with supportive aids and services. Parents play a direct and active role in formulating placement decisions and written parental consent must be obtained by a school district before the initial placement of a disabled child may be made.

The Illinois State Board of Education has promulgated regulations to assure that Illinois educational agencies adhere to federal and state requirements regarding least restrictive environment (LRE):

a) *Recommendations for special education placement shall be based on the following:*

- 1) *The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the interaction with children without disabilities.*
- 2) *The special education placement must be based on the child's IEP and located as close as possible to the child's home.*
- 3) *Unless the IEP of a child with disabilities requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.*

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4) *Consideration must be given to any potentially harmful effect on the child or the quality of services which he or she needs.*

b) *The proposed placement shall be consistent with the findings of the case study evaluation and the established eligibility of the child. 23 Ill. Adm. Code 226.560*

23 Ill. Adm. Code 226.125 states the definition of least restrictive environment:

Least Restrictive Environment means "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without disabilities, and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Placement refers to the overall educational environment in which special education and related services are provided to a student with disabilities. The Illinois State Board of Education has adopted procedures to insure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities. Furthermore, special classes, separate schooling or other removal from regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. Through its monitoring process and through its training activities, the Illinois State Board of Education ensures that these procedures are followed by each local education agency/joint agreement (LEA/JA).

Continuum of Placement

Each LEA/JA must have in place a full continuum of services for students with disabilities to the extent necessary to meet the needs of its students. As specified in the Illinois Special Education Monitoring Manual, this continuum must include: instruction in regular classes, special classes, and special schools; home instruction; and instruction in hospitals and institutions. This continuum is available in each public agency to the extent that it is necessary to meet the needs of students with disabilities served by the LEA/JA. In addition, each LEA/JA must make provisions for supplementary services such as a resource room, itinerant instruction, consultation, specialized materials, equipment, and methods to be provided in conjunction with regular class placement. Through its monitoring process the Illinois State Board of Education will monitor LEAs/JAs to insure that this continuum is available, if it is necessary and appropriate for that LEA/JA.

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Placements

As specified in the Illinois Special Education Monitoring Manual, the State will monitor each LEA/JA to ensure that students with disabilities are placed in the least restrictive environment. This will include that:

1. Each child's educational placement is determined at least annually, based on his/her IEP and is as close as possible to the child's home;
2. The various placements included in the continuum are available to the extent necessary to implement the IEP for each child with a disability; and
3. Unless a child's IEP requires some other arrangement, the child is educated in the school he or she would attend if the child did not have a disability.
4. When considering placement in the least restrictive environment, each LEA/JA must consider the potential harmful effects on the child and on the quality of his/her services. Through its monitoring process the state will insure that this consideration is taking place in each LEA/JA.

The local education agency remains responsible for the students in its district, whether served directly, placed privately, or placed in a State School. In the event the local education agency conducts an IEP meeting at which a State School placement is discussed as an option, the LEA personnel must contact the appropriate State School to discuss the situation. If judged appropriate, a State School representative will be invited to participate in a subsequent IEP meeting, at which time the IEP will be developed, options discussed, and a placement decision reached.

When a residential placement for educational purposes is considered, the determination of the necessity of such a placement shall be individually made, based upon evidence that the students needs are so profound or unique that his/her educational needs cannot be met in a less restrictive placement. Such placement shall be made when recent diagnostic assessments and other pertinent information indicate that, while the student can benefit from instructional services, he/she is so severely disabled that his/her educational needs cannot be met in a less restrictive environment.

Considerations should be given to the needs of the student which may adversely affect educational performance (social, cultural, emotional, communication, independent living, vocational, and so on). This determination should be reviewed annually and then placement made on an individual basis.

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Acknowledging that P.A. 86-1310 is now enacted, school districts will be asked to complete the MDC/IEP process in all cases. If parents choose to make a direct referral to the Illinois School for the Deaf or Visually Impaired, it would be expected that district personnel would cite appropriate local placement options available and offered, but rejected by families.

Nonacademic Setting

The Illinois Special Education Monitoring Manual provides the procedures by which the state monitors each LEA/JA to insure that, in providing or arranging for non-academic and extracurricular services including meals, recess periods, and the services and activities, each child with disabilities participates with children who do not have disabilities to the maximum extent appropriate to the needs of the child.

Public or Private Institutions

The State will insure that each private institution also complies with the least restrictive environment requirements of 34 CFR 300.550. The procedures for insuring this are set forth in Chapter XI of this Plan entitled Private Schools.

Technical Assistance

The Illinois State Board of Education provides a number of avenues for technical assistance to LEA/JA in implementing the least restrictive environment component of the law. Statewide training in developing and writing IEP addresses the issue of least restrictive environment and how to appropriately implement it. Various conferences during the year also focus on this issue. Through the SEA's monitoring efforts and through specific requests, technical assistance on the least restrictive environment is also provided to individual school districts and joint agreements as needed. Finally, through the SEA initiatives described below, technical assistance is given to schools throughout the state on educating students with disabilities in the least restrictive environment.

Monitoring

The Illinois Special Education Monitoring Manual sets forth the standards by which local education agencies (LEAs) and state operated programs (SOPs) are monitored for compliance with state and federal laws and regulations pertaining to least restrictive environment regulations. These standards include procedures for insuring that school districts are in compliance with the least restrictive environment requirement. The least restrictive environment

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is an area that is examined closely through the Illinois State Board of Education's monitoring process for compliance with IDEA. If there is evidence that a public agency makes placements that are inconsistent with 34 CFR 300.550, the State Board of Education reviews the public agency's justification for its actions and assists the agency in planning and implementing the necessary corrective action.

State Education Agency Initiatives to Promote the Least Restrictive Environment

The Illinois State Board of Education has instituted several initiatives to facilitate implementation of the Least Restrictive Environment component of state and federal law.

1. *The Regular Education Initiative*

The Regular Education Initiative (REI) seeks to promote the full participation in regular classroom settings of students with mild disabilities. REI is a concept, not a mandate, which emphasizes the correct frame of reference to assure the child's right to a free, appropriate public education as prescribed by law. It is a mindset to be used in placing children in the appropriate educational setting. This initiative seeks to do this by:

- a. Promoting increased cooperation and collaboration between regular and special education staff;
- b. Increasing planning and communication within schools regarding the needs of children with disabilities;
- c. Developing effective practices for facilitating the integration of students with mild disabilities into regular educational settings;
- d. Developing and implementing training for educators and administrators in techniques and methods for educating students with mild disabilities in regular education settings; and
- e. Disseminating and sharing information with school districts regarding the education of students with disabilities in regular education settings.

2. *Children Have Opportunities in Integrated Community Environments (CHOICES)*

Project CHOICES is a statewide initiative to increase the integration of school-age students with moderate and severe disabilities into regular education, age-appropriate environments. This is being accomplished by providing funds to schools to develop programs in two different categories implementation projects and systems change projects. In addition, a network of technical assistants provide on-site consultation and other support services to participating schools.

3. *Early CHOICES*

Early CHOICES is an initiative modeled after Project CHOICES which seeks to provide models for educating children with disabilities between the ages of 3 and 5 years with their nondisabled,

chronological-aged peers. Funding is awarded to schools to both plan and implement programs to develop models, options and methods of educating preschool-age children with disabilities in regular educational settings.

4. *Behavior Disorder Initiatives Projects*

Grants have been awarded to six local school districts to develop programs to keep students with behavior disorders/emotional disturbance in local communities and local school districts. The projects put a strong emphasis on interagency collaboration, service coordination and family involvement.

5. *Revised Residential Placement Process*

The process by which students are approved for placement in residential settings (Illinois State Board of Education Form 34-37) was revised in December, 1990 to require local school districts to develop reintegration plans to return the student to the local community and local school. It also emphasized local community services coordination.

6. *Recommended IEP Form and Instructions*

The State-recommended MDC/IEP form and accompanying instructions include procedures to insure student placement in the least restrictive environment. Districts throughout the state are receiving training in the correct MDC/IEP process and the use of this new form in January 1992.

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VIII. PROTECTION IN EVALUATION PROCEDURES

General

20 U.S.C. 1412(5)(C) states that in order for a state to qualify for Part B assistance, it must demonstrate that it has established "procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate education program for a child."

A major concern in education today is the identification of assessment procedures which offer assurance of not discriminating on the basis of race, culture, or other factors unrelated to the disability.

Each local education agency shall insure that testing and evaluation materials and procedures used for evaluation and placement of children with disabilities are selected and administered so as not to be racially or culturally discriminatory.

Each case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory.

Placement Evaluation

A formal evaluation must occur prior to placement. 23 Ill. Adm. Code 226.515 states:

"When a child is identified through the screening process, or exhibits problems which interfere with the child's educational progress and/or adjustment to the educational setting, or when there is reason to believe that a child may require special education services, the child shall be referred for a case study evaluation."

Evaluation Procedures

Each local school agency shall insure that tests and other evaluation materials:

1. Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

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2. Have been validated for the specific purpose for which they are to be used and, in the case of LEP/culturally diverse students, a comparison with not only the majority peer group, but also the student's culturally similar peer group is considered;
3. Are administered by trained personnel (e.g., certified school psychologists) in conformance with the instructions provided by their producer.
4. Tests and other evaluation materials include those tailored to assess special areas of educational need and not merely a single general IQ.
5. Tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure).

Assessment is done in all areas of suspected disability, and no single procedure is used as the sole criterion for determining an appropriate education program. 23 Ill. Adm. Code, Section 226.540 states:

The evaluation is made by a multidisciplinary team or group of persons including at least one teacher or other specialist with knowledge in the area of suspected disability.

Psychological evaluation of a child shall be performed by a certified school psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child.

- If documented efforts to locate and secure services from such a psychologist are unsuccessful, the district may employ a qualified psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child; this person may act as a consultant to the district's certified school psychologist performing the evaluation.
- The district having exhausted all other alternatives and not securing the services of either a certified school psychologist or a qualified psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child, the certified school psychologist regularly employed by the district shall conduct assessment procedures which do not depend upon language, or utilize the services of an interpreter. Any special education placement resulting from such alternative procedures shall be reviewed at regular intervals until the child acquires a predominantly English language use pattern which will assure that a

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psychological evaluation given by a certified school psychologist will not be discriminatory or until the need for special education is substantially verified.

For the child who requires special education placement in a home or in a hospital because of a temporary physical or health impairment estimated to last six months or less, a homebound services case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

1. Evaluation for diagnostic and evaluative purposes of the physical or health impairment by a licensed medical physician,
2. Estimation by the physician of the time and child will require homebound services,
3. A review of the child's current educational status and academic needs.

For the child whose problems seem to be limited to the area of speech and/or language, a speech and language case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

1. A hearing screening completed at the time of the evaluation or within the previous six months,
2. A review of the child's medical history and current health status,
3. A review of the child's academic history and current educational functioning,
4. An assessment of the child's speech and language by a certified speech and language clinician,
5. An interview with the child.

The speech and/or language impaired child with additional suspected disabilities shall be referred for further evaluation.

For all other children referred, a comprehensive case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

1. An interview with the child,
2. Consultation with the child's parents,

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3. A social development study including an assessment of the child's adaptive behavior and cultural background,
 4. A report regarding the child's medical history and current health status,
 5. A vision and hearing screening completed at the time of the evaluation or within the previous six months,
 6. A review of the child's academic history and current educational functioning.
 7. An educational evaluation of the child's learning processes and level of educational achievement,
 8. An assessment of the child's learning environment,
 9. Specialized evaluations specific to the nature of the child's problems.
 - a. A psychological evaluation by a certified school psychologist (with the extent to be determined by the individual situation) shall be required in order to place any child:
 - i. In a special education placement for children with mental impairment,
 - ii. In a special education instructional program,
 - iii. In a special education placement for children with behavior disorders,
 - iv. Where there are questions about his or her intellectual functioning and/or learning capacity.
- A psychological evaluation for all other children shall be considered optional.

As appropriate, the psychologist may limit this evaluation to a review of the results of tests administered by other school district personnel and/or the results of externally administered evaluations, an analysis of the learning environment and learning processes, participation in the multidisciplinary conference and such other procedures as deemed necessary.

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- b. An appropriate medical examination by a physician licensed to practice medicine in all of its branches shall be obtained for diagnostic and evaluative purposes for any child with a suspected physical, health, vision or hearing impairment. This examination shall be conducted at no cost to the parent. Nothing in these regulations shall be construed to require any physical examinations or medical treatment for any child whose parents or guardian object thereto on the grounds that such examinations or treatment conflict with his or her religious beliefs.
- c. A certified speech and language clinician shall administer a comprehensive evaluation for any child suspected to having a speech or language impairment. In the case of an IEP student, the speech evaluation should be conducted by a certified speech clinician who has demonstrated competencies in, and knowledge of, the language and culture of the child.
 - If documented efforts to locate and secure services from such a speech clinician are unsuccessful, the district may employ a qualified speech clinician who has demonstrated competencies in, and knowledge of, the language and culture of the child; this person may act as consultant to the district's certified speech clinician performing the evaluation.
- d. For all children, other specialized evaluations appropriate to the nature of the child's problems shall be provided at no cost to the parents. When specialized evaluation procedures not usually provided by the local school district are required to provide a better understanding of the child's educational or educationally related problems, the local school district recommending such evaluation procedures shall be responsible for assisting the parents in locating and making use of appropriate local and/or state resources.
 - Consideration shall be given to resources of state agencies or third-party payors.
 - The child may not be prohibited from receiving a special education program or service because he or she is financially or otherwise unable to obtain specialized evaluation procedures.
- e. An audiological evaluation appropriate to the needs of the child shall be provided by an audiologist when necessary.

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f. If the parent disagrees with an evaluation obtained by the local school district, the district shall inform the parent of the opportunity to obtain an independent evaluation at public expense.

- In such cases, the local district may initiate an impartial due process hearing prior to such independent evaluation to demonstrate that the district's evaluation is appropriate.
- If the final decision is that the local district's evaluation is appropriate, the parent shall have the right to an independent evaluation, but not at public expense.

The child is assessed in all areas related to the suspected disability including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Placement Procedures

Each public agency must draw information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior. Information from all of the sources is considered in the placement decision and is documented. All placement decisions are made by a group of persons, including those knowledgeable about the child, the meaning of the evaluation data, and the placement options.

Placement decisions must be consistent with least restrictive environment considerations.

When a determination is made that a child with a disability needs special education and related services, an IEP will be developed according to 23 Ill. Adm. Code 226.562.

Recommendations made at the multidisciplinary conference shall be determined by consensus of the participating public school personnel; if an agreement cannot be reached, additional information shall be obtained. In considering a child with mental impairment, a certified school psychologist must concur with the child's eligibility based on the results of a psychological evaluation.

Recommendations for special education placement shall be based on the following:

1. The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the interaction with nondisabled children.

2. The special education placement must be based on the child's IEP and located as close as possible to the child's home.
3. Unless a disabled child's IEP requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.
4. Consideration must be given to any potentially harmful effect on the child, on the quality of services which he or she needs, or on that which impedes the education of other students in the environment.
5. The proposed placement shall be consistent with the findings of the case study evaluation and the established eligibility of the child.

Reevaluation

Placements are reviewed periodically and reevaluations performed every three years or more frequently as is necessary. 23 Ill. Adm. Code 226.578 states:

In addition to initial placement conferences and/or IEP meetings, the educational status and continued special education placement of each child shall be reviewed at least annually in a conference attended by those professional persons working with the student, the parents, the child where appropriate, the special education director or designee who is qualified to supervise the provision of special education, and other individuals at the discretion of the parent or local district.

Additional Team Members

In evaluating a child suspected of having a specific learning disability, each public agency shall include the following on the multidisciplinary evaluation team:

1. The child's regular teacher; or
2. If the child doesn't have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
3. For a child of less than school age, an individual qualified by the Illinois State Board of Education to teach a child of his or her age; and

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4. At least one person qualified to conduct individual diagnostic examinations of children such as a school psychologist, speech-language pathologist, or remedial reading teacher.

Criteria for Determining the Existence of a Specific Learning Disability

A team will determine that child has a specific learning disability if:

1. The child does not achieve commensurate with his or her age and ability levels in one or more areas when provided with learning experiences appropriate for the child's age and ability levels; and
2. The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

oral expression,
listening comprehension,
written expression,
basic reading skill,
reading comprehension,
mathematics calculation, or
mathematics reasoning.

The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is the primary result of:

a visual, hearing, or motor disability;
mental impairment;
emotional disturbance;
environmental, cultural or economic disadvantage.

Observation

At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

Written Report

A written report of the results and recommendations of the multidisciplinary staff conference shall be prepared. The conference report shall be dated and list the names of all those in attendance at the conference. A copy of the conference report, together with all documentation upon which it is based, shall be kept on file by the local school district.

The report will include a statement of:

- 1) Whether the child has a specific learning disability;
- 2) The basis for making the determination;
- 3) The relevant behavior noted during the observation of the child;
- 4) The relationship of that behavior to the child's academic functioning;
- 5) The educationally relevant medical finding, if any;
- 6) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and
- 7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

Each team member will certify in writing whether the report reflects his or her conclusions. If it does not reflect his or her conclusions, the team member must submit a separate statement presenting his or her conclusions.

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IX. RESPONSIBILITY OF STATE EDUCATIONAL AGENCY

Responsibility of State Education Agency for All Education Programs

Article 14-8.01 of the School Code states that "all special educational facilities, building programs, housing, and all educational programs for handicapped children shall be under the supervision of and subject to the approval of the State Board of Education." The supervision of educational programs operated by other state agencies is designed to ensure that all such programs meet the standards of the State Board of Education. The School Code further requires that all state agencies operating special education classes for children with disabilities promulgate rules and regulations for the administration of such programs in consultation with the State Board of Education. The Department of Rehabilitation Services (DORS) and the Department of Mental Health and Developmental Disabilities (DMH/DD) have promulgated rules and regulations. The State Board of Education worked closely with DORS, DMH/DD, and the Joint Committee on Administrative Rules throughout the promulgating process.

Responsibility for All Educational Programs

In 1985, Illinois enacted laws which reiterate the State Board of Education's responsibility for the provision of special education services for all children with disabilities in Illinois and restates the authority of the Board to evaluate all programs administered by other state agencies. P.A. 84-0920 provides that the State Board of Education is responsible for all children with disabilities regardless of the placing agent. The State Board ensures that all programs administered by the Department of Mental Health and Developmental Disabilities, the Department of Corrections, and the Department of Rehabilitation Services and educational placements paid for by the Department of Children and Family Services meet the standards of education programs provided to all eligible children.

In conjunction with the law, the Department of Special Education, State Board of Education, has developed new monitoring procedures for programs operated by other agencies. Programs operated by other agencies in Illinois include the Illinois School for the Deaf, the Illinois School for the Visually Impaired and the Illinois Children's School and Rehabilitation Center operated by the Department of Rehabilitation Services; the Illinois Department of Corrections School District; and day residential programs approved by the State Board of Education. As of 1985-86, nearly all educational programs for school-aged children in the Department of Mental Health and Developmental Disabilities residential facilities began to be administered and operated by the public school districts in which the facilities are located. The monitoring procedures have been in place since then.

IX. RESPONSIBILITY OF STATE EDUCATIONAL AGENCY

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In August of 1980, the State Board of Education entered into a Memorandum of Understanding with the Department of Mental Health and Developmental Disabilities, the Bureau of the Budget, the Department of Children and Family Services, the Department of Public Health, and the Department of Rehabilitation Services and the Governor's Office (see Interagency Agreement). The Memorandum was designed to facilitate cooperation among state agencies in providing special education and related services in residential facilities.

Special education services for children in residential care facilities are addressed in 23 Ill. Adm. Code 226 Subpart O. The regulations assure "equal access to educational opportunity" for children living in residential care facilities. Section 14-7.03 and 18-3 of the School Code set up a reimbursement system for special education programs for children from orphanages, foster family homes, children's homes or state residential facilities. A more detailed explanation of the reimbursement system may be found in Chapter II (Full Educational Opportunity Goal) of this Plan.

All programs operated in other state agencies, under the general supervision of the State Board of Education, are subject to the annual review process applied to all special education programs in Illinois. The annual review process is described in detail in Chapter XIV of this Plan.

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X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

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X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

The Comprehensive System of Personnel Development (CSPD) in Illinois includes both a multifaceted plan to meet the inservice development needs of parents, service providers and the educational community and a plan to meet the preservice training needs of all personnel preparing for a career in special education. The SEA, in addition to its regulatory role, has taken a leadership role by providing direction, support and technical assistance to local educational agencies (LEAs), special education joint agreements (JAs) and regional programs, higher education institutions (IHE) and other agencies providing services to children and youth with disabilities.

Procedures and Activities to Ensure an Adequate Supply of Personnel

The Illinois State Board of Education is implementing procedures and activities to ensure that the state has an adequate supply of qualified special education and related services personnel. This includes

1. The development and maintenance of a system for determining, on an annual basis,
 - the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate state certification or licensure.
 - the number and type of personnel, including leadership personnel, needed and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors.
2. The development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the state that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including
 - the numbers of students enrolled in such programs, and
 - the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure during the past year.

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This system involves collecting data from a number of sources:

- a. State certification records,
- b. Teacher service records,
- c. Records of data maintained by colleges and universities,
- d. Surveys of school administrators conducted by SEA staff,
- e. Needs assessments of regular education and special education staff,
- f. Needs assessments completed by the Special Education Leadership Academy,
- g. Information obtained from the SEA FACTS program (computerized special education information management system),
- h. Survey information collected from colleges and universities.

These sources of data will yield information on:

- 1) The number and type of personnel, including leadership personnel, employed in the provision of special education and related services by profession and discipline;
- 2) The number and type of personnel who are employed with emergency, temporary or provisional certification;
- 3) The number and type of personnel needed in each profession and discipline and a projection of the number needed in five years;
- 4) The number of students enrolled in programs in institutions of higher education; and
- 5) The number of students who have graduated with qualifications for certification or licensure from institutions of higher education within the past year.

This data is collected and analyzed and a report will be provided to the state CSPD committee, as well as to other groups involved in addressing special education personnel needs in the state. This report, Illinois Teacher Supply and Demand, is compiled annually.

Plan for Current and Projected Personnel Needs

The Illinois State Board of Education has developed and is implementing a plan that development, updating, and implementation of a plan that:

1. Addresses current and projected special education and related services personnel needs, including the need for leadership personnel, and
2. Coordinates and facilitates efforts among state and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel with disabilities.

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This plan includes procedures and activities the state has undertaken to ensure that all necessary personnel are appropriately and adequately prepared, including

1. A system for the continuing education of regular and special education and related services personnel;
2. Procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and
3. Procedures for adopting, where appropriate, promising practices, materials and technology.

The elements of this Plan are described below.

INPUT

Input into the development of the state's CSPD activities is obtained from a number of sources as explained below.

The Comprehensive System of Personnel Development Committee (CSPDC)

The Comprehensive System of Personnel Development Committee (CSPDC), which is composed of parents, special education/regular teachers, administrators, related services personnel, preservice providers and private/public providers, provides input to the Department of Special Education regarding statewide training needs. The CSPDC recommends that the Illinois State Board of Education expand its leadership role in relationship to inservice training and staff development.

There are four regularly scheduled CSPD meetings, and others as needed, for the 1991-92 school year. The same would be expected for subsequent years. The CSPDC has adopted the following Mission Statement and corresponding definitions:

The mission of the Comprehensive System of Personnel Development Committee is to recommend those best practices in the area of human resource development that insure quality inservice and preservice training for personnel dealing with children and youth with disabilities.

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In addition, subcommittees have been formed to 1) identify criteria that need to be included in a statewide needs assessment instrument and 2) further define the role and function of the CSPDC in regards to its operating procedures and how it should make formal recommendations to the Department of Special Education.

The Higher Education Advisory Council (HEAC)

The Higher Education Advisory Committee (HEAC), which is composed of chairpersons from the departments of special education in all public and private colleges/universities, provides input to the Department of Special Education and also provides linkage between and coordination of preservice and inservice training. Currently, 22 institutions of higher education offer course sequences leading to approval and certification in special education, all are represented on the HEAC committee. This committee develops recommendations pertaining to special education teacher preparation training programs and programmatic preservice requirements, coordinates research efforts and activities in response to state needs, and makes suggestions regarding the competencies needed by educational personnel involved in the education of students with disabilities.

Each year HEAC determines an area of emphasis to address during the year in regard to preservice and inservice development. Also, through the electronic communication system of SpecialNet, a research bulletin board has been implemented by the HEAC committee to include special education research currently being conducted or recently completed. When research is published, it is submitted to the ERIC system and removed from the research bulletin board.

The State Advisory Council on the Education of Handicapped Children (SAC)

The State Advisory Council on the Education of Handicapped Children (SAC), mandated in Section 14-3.01 of the School Code, serves as an advisory group to the State Board of Education and others providing services to students with disabilities. All rules and regulations are required by law to be reviewed by this council. The Department of Special Education provides the SAC with information on the development and implementation of the state plan for IDEA.

Special Education Leadership Academy

The Special Education Leadership Academy provides professional development programs and activities to special education administrators, supervisors and other leaders. A committee composed of special education leaders, elected regionally by their peers, completes a needs assessment each year, determines appropriate development activities, and then supervises the implementation of those activities.

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Also underway is long-range planning that addresses linkages with and coordination of the CSPDC, SAC, and HEAC; Part D Grants; LEA personnel development activities; the approval of discretionary grants; approval of personnel; and identification of special education personnel shortages. Cooperative planning with these groups will help to insure the development and implementation of a comprehensive system of personnel development for all personnel dealing with children and youth with disabilities.

PLANNING FOR CURRENT AND PROJECTED PERSONNEL NEEDS

The Illinois comprehensive system of personnel development includes a plan to insure adequate special education and related services personnel, including leadership personnel. This plan coordinates and facilitates efforts among state and local education agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds, and personnel with disabilities. This plan was developed with input from special and regular educators, administrators, university personnel and parents. It includes the following components:

1. Marketing and Recruitment,
2. Training and Certification,
3. Professional Support and Enhancement.

A description is given below of these components. Work groups are utilized as the mechanism for coordinating and implementing various activities of this plan. These work groups are composed of LEA representatives (regular and special education teachers, related services staff, and administrators), representatives from colleges and universities, representatives from private facilities, parents, advocacy and support groups.

Marketing and Recruitment

This component addresses the recruitment of adequate numbers of special education personnel, including related services staff and leadership personnel. This component also includes the recruitment of minority personnel and personnel with disabilities. A work group each year analyzes data and determines the amount and type of special education staff needed. Specific activities are then developed by the work group to meet the identified needs. SEA staff, as well as staff from universities, school districts, and other organizations, businesses, and agencies are utilized to implement marketing and recruitment activities, depending upon the identified needs.

Training and Certification

A training and certification work group each year examines state certification requirements and procedures to determine if they are adequately addressing the needs within the state. If changes

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need to be made in either requirements or procedures those recommendations are made. The work group, composed of special and regular education teachers, administrators, and staff from institutions of higher education, also examines data regarding training programs within the state to determine if they are producing enough qualified special education personnel. If necessary, additional training programs are developed and implemented to meet specific needs (e.g., speech/language, occupational therapy, minority teachers). This will include training programs to train new teachers as well as retraining programs to assist existing teachers, regular education and special education, in obtaining certification in other areas of special education.

Professional Development and Enhancement

This component addresses the continuing education of regular education, special education, and related services personnel, including leadership personnel. A work group, composed of special and regular education teachers, administrators, and staff from institutions of higher education, each year will identify areas of need for the inservice training of educators in the state in order to carry out the purposes of the IDEA. This identification process will be based upon input from various groups as described above. Building upon this information, activities, programs and initiatives will be designed and implemented to address the identified needs. Methods used will include procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources, and procedures for adopting, where appropriate, promising practices, materials, and technology proven effective through research and demonstration. Some of the current activities to address this component include:

1. State of the Art Replication
 - a. Pilot Projects
 - b. Discretionary Grants
 - c. Assistive Technology Project
 - d. Adoption of promising practices
2. Targeted Training Issues
 - a. Least Restrictive Environment
 - b. Transition Services
 - c. Regular Education Initiative
 - d. The Individualized Education Plan

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3. State-Sponsored Training

- a. Roundtables
- b. Part D Training
- c. Directors' Conference
- d. Initiatives Conference

4. Responding to Federal Initiatives

- a. RFP's
- b. Grant Writing
- c. Special Projects
- d. Letters of Support
- e. Clearinghouse

5. Dissemination of Information

- a. SpecialNet
- b. SpecialLaw
- c. Counterpoint
- d. Data Notes
- e. Memorandums to LEA's
- f. Forum (quarterly newsletter)

COORDINATION

This plan will utilize the CSPDC to coordinate all activities to insure consistency and continuity. This coordination will occur in two ways:

1. The various work groups implementing the various components of this plan will contain members who also serve on the CSPDC. On a regular basis reports will be made by each work group to the CSPDC.

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2. Members of the CSPDC will also serve on the following groups when possible:

- a. The Higher Education Advisory Council,
- b. The Special Education Leadership Academy,
- c. The State Advisory Council on the Education of Handicapped Children,
- d. The Part D Grant Development Task Force.

This will help insure that the activities of the above groups support the over-all CSPD plan.

COORDINATION OF FUNDING

Funds to support the activities of the above plan come from a variety of sources, including;

1. IDEA Part B funds --Each local education agency is required to set aside 5% of its IDEA Part B funds to implement CSPD activities. In addition, the State Board of Education uses part of its Part B funds to provide statewide, regional, or targeted CSPD activities.
2. IDEA Part D funds
3. Federal Preschool funds
4. LEA funds.

Responsibility of State Education Agency

The School Code and the Illinois Administrative Code allow for public school placements into private schools which meet the current requirements for such placements as for students served within the public school system. 23 Ill. Adm. Code 226, Subpart I specifies the need for notice, consent, a case study evaluation, multidisciplinary conference and IEP development. Sections 14-7.02 and 14-8.01 of the School Code, as well as 23 Ill. Adm. Code 226 include provisions that special education and related services must be provided at no cost to the parents. Additionally, 23 Ill. Adm. Code 226.430 Subpart H of the regulations stipulates that "the facility does not charge parents any fee for special education, related services or room and board for any placement made under...."

23 Ill. Adm. Code 226.430 requires that 1) private facilities be licensed by either the State or an appropriate agency of the state in which the facility is located; and 2) the facility be registered with and meet standards set by the state educational agency. The standards for private facilities serving special education students are found in 23 Ill. Adm. Code 401.10(d). Children with disabilities who are placed in private facilities have the same rights and access to procedural safeguards as any children enrolled in the public schools.

Implementation by State Agency

23 Ill. Adm. Code 401.20(a) and 401.70 (a) (b) and (c) discuss compliance monitoring of private facilities. On-site monitoring visitation occurs on a five year cycle or sooner if a complaint is filed. IEPs are reviewed at the time of the on-site monitoring visit.

A copy of the regulations is provided to each facility at the time of its initial application. The regulations are scheduled to be revised beginning in the spring of 1992. A committee will be formed for this purpose and will include nonpublic school administrators, public school administrators, and state education agency staff.

Placement of Children by Parents

Section 10-20.24 of the School Code requires school districts to accept in part-time attendance eligible special education students who are enrolled in nonpublic schools. Section 14-6.01 further states, in part: "Such school boards shall accept in part-time attendance handicapped children...who are enrolled in nonpublic schools...."Special educational services shall be provided to such students as soon as possible after the identification, evaluation and placement procedures...but no later than the beginning of the next school semester following the

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completion of such procedures...." All procedural safeguards afforded to pupils enrolled in the public schools also are available to these students.

State Educational Agency Responsibility

Approximately 320,000 children are enrolled in parochial and other nonpublic schools in Illinois each year, not including those schools whose primary purpose is to provide special education services to children with disabilities. Of the children enrolled in nonpublic schools who are referred to public schools for special education services, the majority are mildly disabled. As of the 1990-91 school year, 2,706 special education students were reported as being dually enrolled in public and nonpublic schools.

Enrollment of Students

The supplemental instructions and procedures used for local education agency IDEA application for Part B and Preschool Flow-Through Grants (ISBE Forms 34-39 (2/91) and 37-06 (2/91)) require the submission of the following information to assure compliance with this section of the State Plan.

Federal regulations under 34 CFR Part 76 (EDGAR) State-Administered Programs require that a State and its subgrantees provide for participation by students enrolled in private schools. These regulations require that the state

1. provide students enrolled in private schools with a genuine opportunity for equitable participation,
2. provide that opportunity to participate in a manner that is consistent with the number of eligible private school students and their needs and,
3. maintain continuing administrative direction and control over funds and property that benefit students enrolled in private schools.

Consultation with Representatives of Private School Students

Grant recipients are instructed to familiarize themselves with the rules which they must follow for meeting requirements for the participation of students enrolled in private parochial schools found in CFR 76.652 through 76.662. They are further required to provide a narrative description of their efforts as set forth in the Grant Instructions as follows:

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Describe how you have consulted appropriate representatives of students enrolled in private schools during all phases of the development and design of the Part B application including consideration of:

1. Which children will receive benefits under the project,
2. How the children's needs will be identified,
3. What benefits will be provided,
4. How the benefits will be provided; and
5. How the project will be evaluated.

Include the following information in the narrative description:

1. A description of how you will meet the federal requirements for participation of students enrolled in private schools;
2. The number of students enrolled in private schools who have been identified as eligible to benefit under the program;
3. The number of students enrolled in private schools who will receive benefits under the program;
4. The basis the applicant used to select the students;
5. The places and times that the students will receive benefits under the program;
6. The differences, if any, between the program benefits the applicant will provide to public and private school students and the reasons for the differences.

These instructions also contain the following stipulations relevant to services to dually enrolled pupils:

1. IDEA Part B funds may not be used for:
 - a. religious workshops or instruction (federal regulations specify that funds and property may be used to benefit children with disabilities in private schools, but only for special education and related services.);

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XII. RECOVERY OF FUNDS

State Policy for Recovery of Funds for Misclassified Children

The Illinois State Board of Education shall make every effort to assure that all IDEA Part B funds are spent in accordance with the state mandate for services for children with disabilities between the ages of 3 and 21. To that end, the Illinois State Board of Education will seek to recover funds for services to any child determined to be erroneously classified.

Audit of Local and Other Participating Agencies

All expenditures of federal funds must be audited either by the state or by appropriate auditors at the local level. Local audits of expenditures claimed may be incorporated as a part of the usual local audit required on an annual basis. The audit may be performed by the independent accountant who usually conducts the local audits, by a representative of the State Auditor's office, or by a staff member of the Illinois State Board of Education. In any case, the local audit requires a qualified fiscal officer or accountant to audit all expenditures of federal funds, which must be isolated in separate accounts so that audits under this program may be identified as such in relation to the overall expenditures of school funds. A local audit report which will assure the proper use of federal funds is necessary. Auditing standards include:

1. A means of informing auditors of the program requirements sufficient to permit certification that local expenditures are eligible for federal financial participation.
2. A reconciliation of the local expenditures shown in the audit report with records of the state agency.
3. Assurance that audit exceptions are brought to the attention of the state official responsible for this program and that appropriate adjustments are made.

Basic fiscal documents required for an accurate and expeditious audit of local accounts may be retained at places other than those where official local accounts are maintained as long as those places are clearly identified. Local audits also include a review of the documentation upon which federal allocations are based, i.e., child count. Activities conducted by the auditor include a review of the child count information on selected students sent to the state by the grant recipient, verification that the students have an IEA and verification that the IEP was in place for the student.

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Procedures to Recover Misused Funds

The Illinois State Board of Education has a very thorough system for ensuring the accuracy of its child count due to the use of this count for both state and federal funding allocations. The counts are reviewed three times during the year to ensure the accuracy of the information submitted. After each review, computer coded error messages are sent back to the submitting local districts for correction. No student is included in the final count under IDEA, Part B or Chapter I, 89-313 unless all errors have been rectified. In no case may a school district add any students to the total counted on December 1 and submitted to the Illinois State Board of Education for the first review. In addition, The Illinois State Board of Education will routinely, through the SEA compliance review process, visit school districts for the purpose of verifying their child counts. Districts will be required to produce the Individualized Education Programs for the children counted on their Special Education Funding and Child Tracking System (FACTS) (ISBE Form 34-30). If any discrepancies are discovered, a complete child count audit will occur. The procedures for a child count audit are included in the Illinois Special Education Monitoring Manual. In addition to audits resulting from compliance reviews, child count audits may be triggered by a grant implementation visit, repeated errors in child count data submission or other local agency actions that raise questions regarding the accuracy of their child count.

Upon completion of the child count audit, a report of the findings will be prepared and sent to the school district. The report will include a description of the corrective actions the school district will have to take to correct the current discrepancies and to prevent future errors. The school district will be required to repay all the money generated by children identified as being erroneously classified. This will occur either through repayment or withholding of future payment until the error has been rectified.

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XIII. NOTICE AND OPPORTUNITY FOR HEARING ON LEA APPLICATION

Procedures for Affording LEAs Opportunity for Hearing

In the event of a denial of an application for IDEA Part B funds or other denial based on noncompliance, the applicant may appeal the decision through formal representation to the Illinois State Board of Education, Department of Special Education, Federal Funds Application for Education of the Handicapped Appeals Committee. The composition of this committee will include three administrators from the Illinois State Board of Education, other than the Department of Special Education, who will make recommendations to the State Superintendent of Education for a final decision.

Disapproval of an Application - Opportunity for a Hearing

Appeal procedures include the following:

1. The applicant must file a formal affidavit with the Illinois State Board of Education setting forth grounds with specifications for the complaint.
2. Any appeal must originate with the authorized representative of the responsible agency and shall be filed within thirty (30) days of the receipt of a notice of disapproval or withholding of funds.
3. Notice of hearing - The Assistant Superintendent for the Department of Special Education will send written notice within fifteen (15) days to the authorized representative acknowledging receipt of the complaint and setting forth the time and place of the hearing, which time shall be no later than thirty (30) days after receipt of complaint.
4. The applicant will be given ample opportunity to present evidence and argument to the Appeals Committee. The agency will have the same opportunity to present evidence and arguments in support of the decision. The Appeals Committee will then reach a decision as to its recommendation to the State Superintendent of Education within five days after the hearing. Within five days thereafter, the State Superintendent of Education will send a copy of his decision to the agency, to the Assistant Superintendent for the Department of Special Education and to the representatives of the responsible agency.

XIII. NOTICE AND OPPORTUNITY FOR HEARING ON LEA APPLICATION

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5. If it is the State Superintendent's determination that the proposed action is contrary to state or federal statutes or regulations that govern the applicable program, the action shall be rescinded.
6. If it is the State Superintendent's decision not to rescind the proposed action, the applicant may appeal to the United States Secretary of Education.
7. The applicant must file a notice of the appeal with the Secretary within twenty (20) days after the applicant has been notified of the final decision by the State Superintendent.
8. If the Secretary determines that the action of the Illinois State Board of Education was contrary to Federal statutes or regulations that govern the applicable program, the Secretary will issue an order that requires the State Board to take appropriate action.
(Authority 20 U.S.C. 1221c - 3(a) (1); 1231b - 2, 2831 (a)) Regulations: EDGAR Part 76 State-Administered Programs 76:401 Disapproval of an application -- opportunity for a hearing.
9. Upon written request, the Illinois State Board of Education will make available all records pertaining to any appeal initiated under these procedures, including records of the entity appealing or the records of other applicants.

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XIV. ANNUAL EVALUATION

Annual Evaluation

20 U.S.C 1413 (a) (11) and 1417 require the Plan for fiscal years 1993-95 to provide the procedures for annually evaluating the effectiveness of programs in meeting the educational needs of children and youth with disabilities. Currently, the Illinois State Board of Education utilizes several administrative directives to ensure compliance with these evaluation requirements.

Evaluations of local education agency-provided special education programs and services are based on the following elements:

1. A Special Education Services Comprehensive Plan. This plan must describe the district's provision of special education services, its implementation plan, and those factors unique to the individual district or cooperative which must be considered in the evaluation. This plan shall be filed with the State Board of Education and revised at least triennially.
2. The district/joint agreement designated to provide special education services must develop and implement procedures which assess the extent to which children and youth with disabilities are being adequately served and the effectiveness of each special education program and service and annually report the results to the State Board of Education. (An example here is the Individualized Education Programs.)
3. Records must be maintained to demonstrate compliance with assurances agreed to in the applications for state and federal funds. These records are monitored by the staff of the State Board of Education, Department of Special Education.

In addition, the Illinois State Board of Education has specialized units dealing with program evaluation and research on a variety of levels. The Evaluation Unit of the Department of Planning, Research and Evaluation and staff of the Department of Special Education use data collected from a variety of sources. These units also engage in both short-term evaluations focusing on specific issues and annual evaluations and research of a more general nature. The Department of Special Education annually publishes and distributes statewide copies of Data Imprints which assist local educators in evaluating data each district collects.

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XV. DESCRIPTION OF USE OF PART B FUNDS

Policies and Procedures for Use of Part B Funds

IDEA Part B is administered through the Department of Special Education. The department is charged with the administration of all educational programs dealing with students with disabilities from birth through age 21. This includes the basic state-supported programs for children with disabilities, supported by state general funds.

The department is charged with the responsibility for approving and processing all applications, requests for proposals and grants for payment; monitoring these; and developing and implementing state plans and programs. It is also responsible for monitoring special education and pupil personnel services; developing legislation and regulations; disseminating information and services regarding special education and pupil personnel services; and maintaining programmatic leadership in special education and pupil personnel services.

Description of Use of Part B Funds

The following is a list of SEA positions funded by IDEA Part B monies and the responsibilities, functions and activities within the Department of Special Education.

Departmental Responsibilities

The principal functions of the Department of Special Education for FY 93, FY 94, and FY 95 include:

1. Administration of state special education categorical programs including the process for approving applications for private facility placements and room and board reimbursement, procedures for special education transportation approvals, reimbursement approvals for eligible pupils and special transportation, and technical assistance for all special education personnel reimbursements.
2. Administration of state special education contractual programs. This function primarily involves the supervision of the development and processing of contracts for special education services provided by the Philip J. Rock School and Service Center and Instructional Materials Center for the Visually Impaired.
3. Administration of special education grants. In addition to the evaluation and approval of grant applications and supervision and monitoring of certain grants to ensure compliance with federal administrative requirements, this function

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includes the compilation and submission of child count and personnel data to the U.S. Department of Education's Office of Special Education Programs (OSEP), provision of special equipment for braille materials for blind students, and preparation and submission of state plans to OSEP to demonstrate Illinois' compliance with applicable federal laws and regulations governing special education.

4. Monitoring of special education programs for compliance with state and federal regulations.
5. Administration of special education and pupil personnel services approval processes including the evaluation and approval of state-approved directors of special education applications and school nurse, school social worker, and school psychologist internships.
6. Administration of special education systems which insure procedural safeguards. This function includes operation of the surrogate parent program, complaint investigations, managing the statewide special education mediation and conflict resolution system, and administering the Level I and II Due Process hearings.
7. Development and implementation of regulations governing special education and pupil personnel services.
8. Coordination of or participation on mandated and departmental-sponsored advisory councils. Included among these advisory groups are the DataTech Task Force, Higher Education Advisory Council, Comprehensive System of Personnel Development Committee, Illinois State Advisory Council, Governor's Purchased Care Review Board, Pupil Personnel Services Advisory Board, Illinois Deaf-Blind Advisory Board, State Interagency Council on Early Education, and Residential Services Authority Board.
9. Development of recommendations for legislation affecting special education and pupil personnel services. This function includes the collection and submission of data for legislative fiscal notes and analyses.
10. Provision of special education and pupil personnel services program leadership. Included in this function are a broad and comprehensive array of planning, educational and information-sharing activities.
11. Implementation of internal agency procedures, activities and requirements.

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12. Development and implementation of a staff development program which stresses competency-focused training for each staff role and provides opportunity for staff growth and renewal.

The activities performed under the above functions include:

1. Managing the programmatic internal review process and cooperating with legal and fiscal in the financial/programmatic management of contracts and grants.
2. Developing state plans, proposals, and when appropriate, RFPs, through the convening of specialty area task forces for conceptualizing and writing activities.
3. Cooperating with Research and Evaluation in the evaluation of all contracts and grants and in the preparation of federal reports as well as internal reports.
4. Managing the contracts for the operation of the depository of adapted materials for the visually impaired and the Illinois Deaf-Blind School and Service Center.
5. Providing technical assistance to the field as required to manage the grants and contracts and the processing of applications.
6. Insuring that school districts adhere to rules and regulations through application processes for Orphanage Act group programs; special transportation; program deviations; summer school; special educational personnel; private residential placement; individual pupil funding; and psychology, social worker and nurse internship site and supervisory approval.
7. Supporting advisory boards, either created by mandate or administrative choice.
8. Implementing required child counts for IDEA Part B, P.L. 89-313, deaf-blind, and legally blind.
9. Coordinating the preparation of planning documents, proposals and statistical reports as needed for planning, legislative information and evaluative purposes for special educational and pupil personnel services.

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List of Administrative Positions and Position Descriptions Paid in Whole or Part with Part B Funds FY 93, FY 94, FY 95

4.5 (FTE) Managers/Supervisors: (100% Part B). Major functions are to manage the operation of the sections and units, facilitate policy development, and have ultimate responsibility for all activities.

35 (FTE) Special Education Specialists: (100% Part B). Major responsibilities are to initiate, develop and implement the activities and functions of the department including monitoring, program development, and grant approval.

6 (FTE) Clerks: (100% Part B). Major functions are to log, track, maintain and retrieve records and files for designated activities (personnel, grants and contracts, private residential placements.

8 (FTE) Operations Staff: (100% Part B). Major functions are to do routine typing, establish and maintain files, answer phone calls, relay messages, assist callers.

Other departments within the agency have staff members who work with the implementation of IDEA Part B. Those departments are School Recognition and Supervision, Administrative Services, School Finance, School Improvement Services, Legal, Planning, Research and Evaluation, Rural Education, Teacher Education and Certification and Internal Audit. Their support of specific program endeavors assists the Department of Special Education.

Generic to the Department of Special Education are the following positions funded 100% with Part B funds:

2.50 (FTE)

Education Specialist (assigned to Administrative Services). Major function: Manage and review IDEA Part B fiscal records, grants and other financial needs in reimbursement of claims.

1.25 (FTE)

Account Technician I (assigned to Administrative Services). Major function: Perform general accounting duties in maintaining established accounting books and records, prepare reports, maintain data relative to IDEA Part B.

2.50 (FTE)

Staff Auditors (assigned to School Finance). Major function: Review independent audits on IDEA Part B projects.

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2 (FTE)
Account Technician I (assigned to Administrative Services). Major function: Perform general accounting duties in maintaining books and records, prepare reports and process vouchers.

3 (FTE)
Operations 1 (assigned to Administrative Services). Major function: Type correspondence, reports, guidelines, and other material generated by the staff of the Department of Special Education.

3 (FTE)
Assistant Legal Advisor (assigned to Legal). Major function: Receive, prepare, and provide all legal assistance and reports on due process appeals, administrative orders and legal opinions as related to special education concerns.

1 (FTE)
Information System Specialist (assigned to Administrative Services). Major function: Facilitate the collection and analysis of data to meet Department of Special Education needs. Develop procedures and specifications for internal and external programs for the receipt of FACTS information, reimbursement files, approval process data.

2 (FTE)
Research Scientists II (assigned to Planning, Research and Evaluation). Major function: collect, analyze, synthesize information for the purpose of the review and/or development of reports related to special education studies.

1 (FTE)
Account Clerk II (assigned to Administrative Services). Major function: Perform general accounting duties in processing payroll accounts, records, and prepare reports.

2.50 (FTE)
Education Specialist II (assigned to School Recognition and Supervision). Major function: Perform special education monitoring activities which include on-site visits, report writing, administrative reviews and follow-up.

2 (FTE)
Program Analyst (assigned to Administrative Services). Collect, analyze and program for computer information needs of the Department of Special Education.

.25 (FTE)
Graphic Art Specialist (assigned to Administrative Services). Major function: develop artwork for department publications.

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1 (FTE)
Educational Consultant (assigned to Rural Education). Major function: to provide program recommendations and technical assistance in the provision of special education services in rural areas.

Illinois State Advisory Council on the Education of Handicapped Children

The State Advisory Council on the Education of Handicapped Children is discussed in Section 14-3.01 of The School Code. Its membership and activities are delineated therein. The activities of the State Advisory Council for FY 93, FY 94, and FY 95 will be as follows:

"The State Board of Education shall seek the advice of the Advisory Council regarding all rules or regulations related to the education of handicapped children to be promulgated by it. The Board shall seek the advice of the Advisory Council on modifications or additions to comprehensive plans submitted under Section 14-4.01. Additionally, the Advisory Council shall: (a) advise the General Assembly, the Governor and the State Board on the unmet needs in the education of children with disabilities, (b) assist the State Board of Education in developing and reporting data and evaluations which may assist the United States Commissioner of Education in the performance of his responsibilities under current title of federal law added-the Individuals with Disabilities Education Act, Part B, (c) advise the State Board of Education relative to qualifications for hearing officers and the rules and procedures for hearings conducted under Section 14-8.02 of this Act, and (d) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities and the procedures for distribution of funds under this Act."

Local Education Agency Allocation

For FY 93, seventy-eight and five tenths (78.5) percent of all Part B funds will flow through to local education agencies. Ninety (90) special education flow-through grants will be disbursed to twenty-one (21) single districts and sixty-nine (69) joint agreements. Of those sixty-nine (69) joint agreements, an average of fourteen (14) districts will be funded within each consolidated application.

For FY 94, seventy-eight and five tenths (78.5) percent of all Part B funds will flow through to local education agencies. Ninety (90) special education flow-through grants will be disbursed to twenty-one (21) single districts and sixty-nine (69) joint agreements. Of those sixty-nine (69) joint agreements, an average of fourteen (14) districts will be funded within each consolidated application.

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For FY 95, seventy-eight and five tenths (78.5) percent of all Part B funds will flow through to local education agencies. Ninety (90) special education flow-through grants will be disbursed to twenty-one (21) single districts and sixty-nine (69) joint agreements. Of those sixty-nine (69) joint agreements, an average of fourteen (14) districts will be funded within each consolidated application.

Nearly 100% of all local education agencies benefit directly from IDEA Part B funds, and all districts benefit indirectly.

Federal Funds for State Administration

The SEA will utilize five percent (5%) of the discretionary funds for SEA administrative positions and activities. Half of the remaining Part B discretionary funds (12.5%) are required by state law to be set aside to offset costs for room and board expenditures of residentially placed children. In Chapters II and III, a more detailed description of these services is provided.

Use of State Agency Allocations

The Department of Special Education is taking several steps to provide programmatic and administrative leadership to ensure high-quality education using effective practices and to provide children and youth with an education which prepares them to function in adult life with the greatest degree of independence. The initiatives and plans for their implementation are described below.

Identification and Delivery of Services to Mildly Disabled Students

The Department of Special Education has as a part of its mission the goal of promoting an integrated educational system that is accessible and responsive to all children. Over the next three to five years, the Department will move toward reaching the goals of insuring appropriate identification of students with disabilities who are currently being determined eligible for special education, developing and employing effective instructional programs for students with mild disabilities and students with learning and behavior problems in the regular education environment and facilitating coordination and collaboration among service providers and administrators.

Integration of Severely Disabled Students

Another Department of Special Education initiative is the integration of severely disabled students into chronologically age-appropriate, regular education facilities which provides a curriculum that prepares them to function in life after school and provide for their transition into work opportunities. Integration is an often misunderstood concept. Simply stated, integration is

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the availability of services within the regular educational system to enable severely disabled students to be educated with nondisabled students. Successful integration requires planning and the thoughtful participation of educators, parents and students. Integration is individually planned, provided and evaluated with supports, resources, and adaptations designed to promote meaningful interactions between disabled and nondisabled peers.

Four elements are essential to accomplishing integration: education in integrated settings with nondisabled students, curricula that are functional and community-based, early initiation of transition activities, and early job training experiences in natural settings.

There are concerns that many severely disabled Illinois students who are currently placed in more restrictive educational settings are generally placed on the basis of the disability category, rather than individual needs. Services in regular public schools for this population often are not available. It is a proven principle that many students learn best how to function in the real world when educated with their nondisabled peers in the regular school environment, regardless of their disability.

The State Board of Education is funding twenty-five CHOICES projects in support of this initiative. Implementation of these school program projects will assist in accomplishing the following objectives:

1. Provide a chronologically age-appropriate, integrated, public school program for a heterogeneous group of both elementary and high-school-age students with severe disabilities;
2. Provide students with instruction in natural domestic, community-at-large, recreation/leisure, and vocational environments as a daily part of curricular activities;
3. Provide for the transition of students into integrated adult living, playing, and working in local community environments.

It is the intention of the Illinois State Board of Education to expand this initiative until an integrated education is available to all severely disabled students in Illinois who can benefit from this approach.

Improve Special Education for Students with Behavior Disorders/Emotional Disorders

The major goal of this initiative is the development of a network of coordinated community services to meet the needs of students with behavior disorders/emotional disorders and their families.

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Six projects are currently funded and are in their first full year of a three year program.

Support Services Provided by the State with Part B Funds

For FY 93, the State Board of Education's Department of Special Education will direct 4% of IDEA Part B Discretionary funds to meet priorities one and two, unserved and underserved children and youth with disabilities throughout the state.

For FY 94, the State Board of Education's Department of Special Education will direct 4% of IDEA Part B Discretionary funds to meet priorities one and two, unserved and underserved children and youth with disabilities throughout the state.

For FY 95, the State Board of Education's Department of Special Education will direct 4% of IDEA Part B Discretionary funds to meet priorities one and two, unserved and underserved children and youth with disabilities throughout the state.

Discretionary grant funds are made available to local educational entities for development of programs and practices that include statewide program improvement efforts in services to Behavior Disordered Children and Youth, Least Restrictive Environment, Integration, Supportive Employment, Transition Services, Limited-English-Proficient Services for Children and Youth with Disabilities, Regular Education Initiative and Parent Education Partnerships. In addition to competitive discretionary grants, monies are also made available for low incidence services through increasing the LEA's share of Part B from 75% to 78.5%. This additional 3.5% must be used specifically for low-incidence services.

Administrative Costs of Monitoring and Complaint Investigations for FY 93, FY 94 and FY 95

FY 93	\$676,269 (13.8 FTE x \$49,005)
FY 94	\$720,222 (13.8 FTE x \$52,190)
FY 95	\$767,032 (13.8 FTE x \$55,582)

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XVI. ADDITIONAL INFORMATION

The Illinois State Board of Education does not provide direct instructional services as indicated in 34 CFR 300.151. All direct instructional services are provided by local, joint agreement and education agencies.

XVI. ADDITIONAL INFORMATION

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XVII. INTERAGENCY AGREEMENT

Interagency Agreement

The Illinois State Board of Education does not provide direct instructional services as indicated in 34 CFR 300.151. All direct instructional services are provided by the regional or local education agencies.

The Illinois State Board of Education has several agreements which address a free appropriate public education for children and youth with disabilities.

- A Memorandum of Understanding, as of August 1980, exists between eight state entities, addressing private residential placement processes.
- One exists between the Illinois Department of Public Aid and Illinois State Board of Education, as of July 1991, allowing LEAs to access Medicaid funds for related services.
- Several agreements are in process on early intervention.
- An agreement of 1990 exists between the Department of Rehabilitation Services (DORS) and the Illinois State Board of Education on access of youth in Project CHOICES to DORS services.

Financial Responsibilities

LEAs have the responsibility to provide or assure the provision of special education and related services for youth in their catchment areas. They can and are encouraged to seek services from other state agencies. However, other agencies such as DMH/DD or DORS are not mandated to provide services by entitlement. The burden of responsibility falls on the LEA/SEA.

Dispute Resolution

The Community and Residential Services Authority (CRSA), established in 1985 by law, governs interagency services for behavior/emotional disordered youth. CRSA has had a dispute resolution mechanism in place since 1987. There is a field review and a central review. While few disputes have reached this central level, they have been resolved successfully. A similar mechanism can be used for other disputes.

XVII. INTERAGENCY AGREEMENT

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XVIII. PERSONNEL STANDARDS

State Regulations Regarding Personnel Standards

Illinois has promulgated rules, procedures and standards for personnel providing special education and related services. Section 14-9.01 of the School Code states,

"No person shall be employed to teach any class or program authorized by this Article who does not hold a valid teachers' certificate as provided by law and unless he has had special training as the State Board of Education shall require. All other professional personnel employed in any class, service, or program authorized by this Article shall hold such certificates and shall have had such special training as the State Board of Education may require."

23 Ill. Adm. Code 226.820 also addresses personnel standards for special education as follows.

1. Professional instructional personnel shall qualify under any one of the following circumstances:
 - a. Hold standard Special Illinois Teachers' Certificate, Type 10, in the area of responsibility;
 - b. Hold standard Illinois Teachers' Certificate and have met full approval outlined by The State Board of Education in 23 Ill. Adm. Code 25 Certification; and
 - c. Hold Standard Illinois Teachers' Certificate and receive approval by the State Board of Education for specialized functioning in relation to a special education program;
2. Other certified personnel employed by the school district to provide special education services shall hold accreditation appropriate to the area of responsibility and shall be approved by the State Board of Education.
3. Each director and assistant director of special education shall hold a valid administrative certificate and shall meet requirements for approval as outlined by the State Board of Education.
4. Supervisory personnel shall hold a valid certificate in the area of responsibility and shall meet requirements for approval as outlined by the State Board of Education.

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XVIII. PERSONNEL STANDARDS

Description of Personnel Standards

The Illinois State Board of Education has developed standards for personnel serving students with disabilities. These standards fall into four general categories as described below.

1. Standard Special Certificate issued in Special Education Areas.

Standard Special Certificates are issued to individuals who hold a bachelor's degree from a recognized teacher education institution and meet general and professional requirements as specified in the document Minimum Requirements for State Certificates which is included in the Appendix. Currently the special education areas for which certification on a Standard Special Certificate is available include:

- a. Educable mentally handicapped,
- b. Learning disabilities,
- c. Social/emotional disorders,
- d. Trainable mentally handicapped,
- e. Blind and partially seeing,
- f. Deaf and hard of hearing,
- g. Physically handicapped,
- h. Speech and language impaired.

2. Approvals Issued to Teach in Approved Special Education Programs

Personnel approvals to teach in approved Special Education programs are granted to individuals who meet preparation standards set by the State Board of Education and are limited to the grade levels of the teaching certificate which the individual possesses. Approvals to teach are granted in the following areas:

- a. Educable mentally handicapped,
- b. Learning disabilities,
- c. Social/emotional disorders,
- d. Trainable mentally handicapped,
- e. Physically handicapped.

The specific requirements for these positions are included in the document appendix.

3. Approvals for "Other" Special Education Personnel

The Illinois State Board of Education reviews and approves personnel employed in special education positions other than those described above. The State Board of Education evaluates materials and documentation and determines approval on an individual basis. These include:

- a. Adapted Physical Education,
- b. Art Therapist,
- c. Daily Living Skills Specialist,
- d. Music Therapist,
- e. Medical Services Personnel,
- f. Orientation & Mobility Specialist,
- g. Recreational Therapist,
- h. School Psychologist Intern,
- i. School Social Work Intern,
- j. School Nurse Intern,
- k. Other Necessary Professional.

Personnel Meeting Standards from Other States

An individual who holds, or is eligible to hold, another state's teacher, school service personnel, or administrative certificate may be granted an Illinois certificate if certain requirements are met. Those requirements include a determination of the comparability of the out-of-state certificate to the corresponding Illinois certificate and an evaluation of the individual's transcripts. All statutory requirements and professional education and area of specialization requirements in effect in Illinois at the time application is made must also be met and verified.

Procedures for Establishment and Maintenance of Personnel Standards

Section 122.21-13 of the School Code, establishes a State Teacher Certification Board for the purposes of establishing and maintaining personnel standards. The Board meets at least annually and more often as needed. Institutions in the state which want to be recognized as teacher training institutions must meet certain requirements established by the State Board of Education in consultation with the State Teacher Certification Board. The State Teacher Certification Board also advises the State Board of Education regarding any needed changes, additions or deletions to personnel standards.

In regard to special education personnel standards, both the Higher Education Advisory Council and the Comprehensive System of Personnel Development Committee confer with State Board of Education staff regarding personnel standards. As a result of this input, suggestions and recommendations concerning personnel standards in special education are made to the Teacher

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Certification Board through the Department of Teacher Education and Certification of the State Board of Education. In addition, the State Advisory Council on the Education of Handicapped Children gives advice regarding the establishment and maintenance of personnel standards for individuals serving students with disabilities. Data are collected by the State Board of Education on an ongoing basis to determine the need for additional personnel standards, the modification of existing standards, and the effectiveness of personnel standards in meeting the needs of children with disabilities.

Personnel Standards Based on Highest Requirements

A determination has been made that the personnel standards for professionals working with children and youth with disabilities meet the highest requirements in the state for each discipline and profession. The requirements of all state statutes and the rules of all state agencies involved in serving children and youth with disabilities have been considered. The information used to make this determination is on file with the State Board of Education and is available to the public.

Emergency and Temporary Certification

The State Board of Education, on occasion, does provide emergency and temporary certification for individuals working with children and youth with disabilities. This is available for all position categories. However, this is done on an individual basis and is specific to the unique nature and circumstances of the individual and the job position. The request must be made by the school district requesting the emergency certification and sufficient justification must be given. In approving such situations, appropriately meeting the needs of the students with disabilities is the first priority. Emergency and temporary certifications are approved on a one-year basis and school districts requesting such certification must submit a plan and a timeline for insuring that the individual so certified obtains full certification.

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XIX. PRESCHOOL GRANT

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XIX. PRESCHOOL GRANT

OMB Number 1820-0552

Expires: 6/30/93

PRESCHOOL GRANTS APPLICATION

UNDER SECTION 619 OF THE

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

(IDEA)

APPLICATION FOR FEDERAL ASSISTANCE

FEDERAL FISCAL YEARS 1992-1994

(SCHOOL YEARS 1992-93, 1993-94, AND 1994-95)

ED FORM B20-24P

SUBMITTED BY

ILLINOIS STATE BOARD OF EDUCATION

DEPARTMENT OF SPECIAL EDUCATION

APRIL 1, 1992

SUBMITTED TO

DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OFFICE OF SPECIAL EDUCATION PROGRAMS

WASHINGTON, D.C. 20202-3094

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PART I: CERTIFICATION AND PUBLIC PARTICIPATION

A. Submission Statement and Certification

I, the undersigned authorized official of the State Educational Agency of Illinois, hereby submit the following Preschool Grants application for Federal fiscal years 1992-94 under Section 619 of the Individuals with Disabilities Education Act, as amended. The Preschool Grants program will be operated in accordance with the contents of this application and all applicable statutory and regulatory requirements.

Date

(Signature of Authorized Official)

Robert Leininger

State Superintendent of Education

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Illinois
(State)

B. Executive Order 12372

This State certifies that:

To the best of our knowledge and belief, data in this application are true and correct, the document has been duly authorized by the governing body of the State Educational Agency, and the State will comply with the attached assurances if the application is approved.

The application was submitted to the State's "single point of contact" under Executive Order 12372 on _____ month/day/year

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C. Public Participation

The State educational agency assures that it will provide reasonable opportunities for the participation by local agencies, representatives of the class of individuals affected by each program and other interested institutions, organizations, and individuals in the planning for the operation of each program, including the following provisions:

1. The State consulted with relevant advisory committees, local agencies, interest groups, and experienced professionals in the development of program plans required by statute:

Documentation will be inserted here.
2. The State published each proposed plan, in a manner that ensured circulation throughout the State at least sixty days prior to the date on which the plan becomes effective, whichever is earlier, with an opportunity for public comments on such plan accepted for at least thirty days:

Documentation will be inserted here.
3. The State held public hearings on the proposed plans if required by the [Secretary] by regulation:

This requirement does not apply to Section 619. However, because the Preschool State Plan is being submitted as part of the Part B State Plan, public hearings will be held on the Preschool State Plan as part of those being conducted on the Part B State Plan.
4. The State provided an opportunity for interested agencies, organizations, and individuals to suggest improvements in the administration of the program and to allege that there has been a failure by any entity to comply with applicable statutes and regulations:

Documentation will be inserted here.
5. The State considered and/or made changes as a result of public comment:

Documentation will be inserted here.

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E. Certification Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements

ED Form 80-0013 has been submitted as part of the 1993-95 Part B State Plan.

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D. Certification Required by EDGAR

The State educational agency assures that it will comply with the provisions contained in 34 CFR 76.101:

1. That the application is submitted by the State agency that is eligible to submit the application.
2. That the State agency has authority under State law to perform the functions of the State under the program.
3. That the State legally may carry out each provision of the application.
4. That all provisions of the application are consistent with State law.
5. That a State Officer, specified by title in the certification, has authority under State law to receive, hold, and disburse Federal funds made available under the application.
6. That the State Officer who submits this application, specified by title in the certification, has authority to submit the application.
7. That the agency that submits the application has adopted or otherwise formally approved the application.
8. That the application is the basis for State operation and administration of the program.

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PART III: PROGRAM NARRATIVE

A. Discretionary Funds

Discretionary funds will be used during school years 1992-93, 1993-94, and 1994-95 to meet the goals of the Early Childhood Special Education Strategic Plan. The eight goals in the strategic plan are statements of outcomes of early childhood special education programs to be developed by the year 2000.

1. Description of direct and support services to children with disabilities from three through five years of age:

a. Early CHOICES

Under an RFP, Early CHOICES will provide discretionary funds to identified sites during each school year. The site funds will be used for the following purposes: (1) to plan for the development or expansion of integrated preschool placement options; (2) to implement (establish or expand) integrated preschool placement options; and (3) to plan for system change regarding the use of integrated preschool placement options.

b. Child Find: Building Better Tomorrows

Child Find: Building Better Tomorrows is a child find marketing campaign developed through a grant from the Illinois State Board of Education to the Gallatin-Hardin-Pope-Saline Educational Service Region. The campaign has two basic goals: (1) to help local education agencies notify large numbers of people in diverse target audiences that Child Find can assist in securing appropriate programs and services for persons with disabilities under the age of 21 years; and (2) to help local education agencies inform parents of persons identified through Child Find of their rights to programs and services.

c. Parent-Infant Institutes

Parent-infant institutes at the state-operated School for the Visually Impaired and the School for the Deaf will again be funded in part through grants from the Illinois State Board of Education. The institutes are designed to provide comprehensive assessments for preschool-age children who are visually or hearing impaired/deaf and to provide training and networking opportunities for the families of participating children.

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PART II: BUDGET INFORMATION

The State Educational Agency assures that funds under this grant will be allotted according to the requirements at 34 CFR 301.30(a), (b), and (c).

- A. Percentage of funds the SEA plans to use for direct and support services or planning and of a comprehensive service delivery system (not more than 20% of the grant award) 20%

- B. Percentage of funds the SEA plans to use for administrative costs (not more than 5% of the grant award) 5%

- C. Percentage of funds the SEA plans to award to LEAs and IEUs (at least 75% of the grant award) 75%

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2. Description of activities regarding the planning and development of a statewide, comprehensive service delivery system for children with disabilities from birth through five years of age:

a. Regional Technical Assistance System

The Regional Technical Assistance System (R*TAS) will be continued. R*TAS has provided technical assistance and inservice training for four years to early childhood special education staff in six regions of the state. A parent training component is included.

A Statewide Coordinator for R*TAS, based at the South Metropolitan Association in Flossmoor, will continue to be responsible for coordinating the statewide delivery of technical assistance/in-service training for early childhood special education and early intervention program staff. Training for early intervention staff will include the six inservice training modules developed for the Illinois Technical Assistance Project (ITAP), which serves personnel working with infants/toddlers with delays and their families. The ITAP Coordinator is also based at the South Metropolitan Association. The Statewide Coordinator and ITAP Coordinator positions will be funded through a grant from the Illinois State Board of Education.

R*TAS will also coordinate with a number of the other training initiatives in the state through the Staff Development Coordination Committee. The Staff Development Coordination Committee was formed to enable organizations/agencies involved in the training of early childhood staff throughout the state to exchange information about and to coordinate training efforts. The committee will meet quarterly, chaired by the R*TAS Statewide Coordinator.

b. Search for Exemplary Practices in Early Childhood Education

A search to identify exemplary practices in early childhood education in Illinois will again be conducted. The purposes of the search will be: (1) to highlight the importance of providing high-quality early childhood programming for all young children; (2) to recognize exemplary and innovative service delivery programs in early childhood education; and (3) to provide models for other school or community programs as they develop and expand services for young children. A set of quality indicators will be applied during application reviews and on-site visits as part of the search.

c. Training Institutes

A series of institutes will be held on a for-credit basis in collaboration with Illinois universities. Planning for the institutes will span a multi-year period and reflect identified inservice training needs of both early intervention and preschool staff. Topics which have already been identified are the following: strategies for supporting integration in community preschool settings, working with adults/teaming/interservice collaboration, and the application of developmentally appropriate practice to programs serving preschoolers with disabilities. Additional needs assessments will be conducted as part of the institute planning.

Coursework through a number of universities will be offered via the WIU/SBE Educational Satellite Network, is in the planning stages, to be co-funded by Prekindergarten at Risk of Academic Failure Programs and Head Start. Target audiences for the coursework will be early childhood special education staff in the Chicago Public Schools and preschool staff in community settings, such as Head Start and child care. The targeted Chicago early childhood special education teachers are those who lack Illinois certification due to a change in certification standards (formerly under the Chicago Board of Education and now under the State Board of Education). The targeted preschool staff in community settings are those whose classrooms may be utilized as integrated settings for special education eligible preschoolers and who may, therefore, wish to meet Illinois teacher certification standards for serving those children.

A training module regarding the administration of various early childhood education programs will be developed and implemented through the Illinois State Board of Education's Administrators' Academy. The module will focus on use of a service delivery system which incorporates community early intervention and preschool settings, effective teaching strategies for preschoolers and ways to evaluate them, working with parents/families, and development and learning during the preschool years.

d. Directory Listing of Early Childhood Special Education Programs in State

A listing of early childhood special education programs in Illinois will be updated. The database of directory information will be utilized by Direction Service, which has developed the central directory under Part H. The revised directory listing (document) with additional narrative information about the services provided, curriculum models utilized, and other service delivery information will be disseminated statewide on an annual basis.

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e. Parent Training/Activities

Opportunities for parent attendance at workshops and conferences will be made available through the Regional Technical Assistance System, Early CHOICES, and other Illinois State Board of Education initiatives. In addition, support will be provided via the following activities: information dissemination/mailings to parents, parent mentoring, parents as presenters/speakers bureau, and coordination of parent groups/organizations/resources.

f. Recruitment and Training of Bilingual Persons

Collaborative activities will be conducted by the Illinois State Board of Education, four Chicago area universities, and early childhood programs in Hispanic neighborhoods of Chicago. The activities will support the recruitment of bilingual persons into training programs in the areas of early childhood special education, occupational therapy, physical therapy, and speech/language pathology. The training programs will incorporate an emphasis on practicum experiences within the community early childhood programs.

Activities will include recruitment of students, development and administration of demonstration (practicum) sites in Chicago, stipends for students to attend training, and provision of faculty in nontraditional coursework tied to the practicum sites.

g. Illinois Early Childhood Intervention Clearinghouse and Newsletter

The Illinois Early Childhood Intervention Clearinghouse and Newsletter will continue to be funded in part by Preschool Grant funds. The Clearinghouse provides information to a wide audience of parents and professionals working with young children and their families and operates a toll-free number for the ease of its users. In addition, the Clearinghouse newsletter is the primary vehicle for informing parents and service providers of activities being implemented under the Preschool Grant and under Part H.

h. Removal of Integrated Program Disincentives

Local and statewide policies will be developed to facilitate the expansion of integrated service delivery for preschoolers. Among the changes to be considered are program and personnel standards which will allow schools to develop placement options outside of public school programs while meeting special education requirements of supervision, program standards, and qualified personnel. These include the following: developing standards and nonpublic

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school program approval procedures that are specific to preschool environments; developing a list of "indicators of quality" to guide LEAs and parents in making decisions regarding integrated options; ensuring that special education and related services are provided under the supervision of certified special education personnel, but not requiring that all personnel in the integrated site meet special education personnel standards; providing incentives for underqualified teachers to upgrade their credentials to meet SEA requirements at no cost to the teacher; developing state education personnel standards that create new (or recognize other) credentials generic to early childhood settings; providing in-kind technical assistance and training to private, community-based preschool providers; and providing high quality program personnel in lieu of funding or tuition payments to community programs.

Fiscal parameters related to the use of funds which are disincentives to integration will be examined and revised including: establishing state special education funding formulas that provide for combining "fractions" or "units" to equal a full-time equivalent (e.g., itinerant staff serving many different children at different sites); developing funding allocation procedures across programs (special education, at-risk, child care, etc.) that allow for combinations of various funding streams to be used in one integrated program; and allowing for the actual payment of tuition in mainstream sites or the provision of services such as personnel, personnel and parent training, transportation, related services, etc., in lieu of tuition payments.

Eligibility requirements for programs such as Part B of IDEA, Head Start, and Chapter 1 of ESEA will be reviewed to maximize the use of categorical funding and program resources.

Transportation practices will be revised to facilitate integration, including: providing flexible transportation schedules and routes that coincide with schedules and locations of integrated (community-based) sites; providing for reimbursement to families or others who provide transportation; and utilizing the transportation provided by the integrated site in exchange for other education agency services or resources.

i. Noncategorical Eligibility

A new category of eligibility for preschoolers will be proposed. Under the proposal, preschool children with disabilities would be declared eligible for special education services under the category "Early Childhood Eligible." Preschool children found eligible under the new category would then be reported

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to the state as "Early Childhood Eligible" except for those children previously diagnosed as having a disability condition such as deaf, blind, and so forth.

B. Flow-Through Funds**1. Flow-through application and approval procedures:**

A copy of the application package used by the SEA for subgrantees to apply for subgrants under this program is included in Reference Document 1.

The approval procedures used by the SEA to approve subgrants is included in Reference Document 2.

2. An estimate of the number and percent of LEAs and IEUs in the state that will receive a subgrant:

Illinois has eighty-nine (89) eligible public school entities that can receive preschool flow through funds. Of the eighty-nine entities, twenty-one (21) are single unit districts and sixty-eight are joint agreements. Nearly all school districts that have an elementary school population will benefit either directly or indirectly from these funds.

3. An estimate of the number of LEAs and IEUs that will receive a subgrant under a consolidated application:

Approximately 983 entities will receive a subgrant under a consolidated application.

4. An estimate of the number of consolidated applications that will be funded and the average number of LEAs and IEUs in each consolidated application.

Sixty-eight (68) consolidated applications are expected to be funded. Consolidated applications average fourteen (14) districts per application.

C. Administration Funds**1. A statement of each administrative activity the SEA will carry out with these grant funds:**

The Illinois State Board of Education will plan and implement activities utilizing discretionary funds under this grant and participate in the planning and development of a statewide, comprehensive service delivery system for children with disabilities from birth through five years of age. The State Board will provide training and technical assistance on a statewide basis regarding services to preschoolers with disabilities and engage in

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planning for staff development on both preservice and inservice levels. In addition, the State Board will provide state and local grants management, program research and evaluation, compliance monitoring, and fiscal services.

2. A list of each position to be paid in whole or part with Preschool Grant funds, a description of each of these positions, and the percentage of salary of each of these positions to be paid with Preschool Grant funds:

The grant will support the following staff positions within the Illinois State Board of Education, Department of Special Education (percentage of salary indicated by FTE):

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Program/Personnel Development

- 1.00 FTE Preschool Grant Coordinator
- 1.00 FTE Preschool Consultant
- 1.00 FTE Preschool Staff Development Specialist
- 1.00 FTE Education Specialist II
- 1.00 FTE Education Specialist II
- 1.00 FTE Supervisor
- .25 FTE Education Consultant I
- .50 FTE Special Education Specialist II
- 1.00 FTE Secretary
- 1.00 FTE Secretary II (Temporary Employee)
- 1.00 FTE Operations I
- 1.00 FTE Operations I (Temporary Employee)
- .50 FTE Operations II

Regulatory Operations

- .25 FTE Supervisor
- .50 FTE Special Education Specialist II
- .50 FTE Special Education Specialist II
- .50 FTE Special Education Specialist II
- .25 FTE Special Education Specialist II
- .25 FTE Special Education Specialist II
- .25 FTE Special Education Specialist II
- .25 FTE Education Consultant I
- .25 FTE Clerk IV

Field Services

- .25 FTE Education Consultant I
- .25 FTE Education Consultant I
- .25 FTE Special Education Specialist I
- .25 FTE Education Specialist II

State Programs/Technology

- .50 FTE Education Specialist I
- .25 FTE Special Education Specialist II
- .50 FTE Clerk IV
- .25 FTE Clerk IV

Reimbursements

1.00 FTE Accountant I

The Preschool Grant Coordinator, within the overall context and structure of the Department of Special Education will assist in planning and coordinating the implementation of direct and support services which the SEA will provide for children with disabilities ages three through five. The Preschool Grant Coordinator will plan and coordinate the SEA discretionary activities and coordinate the monitoring and evaluation of SEA discretionary activities. The Preschool Grant Coordinator will maintain contact with coordinators from other states in order to exchange information on programming innovations and research in other states and will act as the Illinois State Board of Education representative for Section 619 in contacts with the National Early Childhood Technical Assistance System (NEC*TAS) and with the Office of Special Education Programs (OSEP). Information from other states and NEC*TAS will be disseminated, as appropriate, within the agency and to Illinois early childhood service providers. In addition, the Preschool Grant Coordinator will participate in the planning and development of a statewide comprehensive service delivery system for children with disabilities from birth through age five.

The Preschool Consultant will design and supervise production of documents and resource materials and disseminate other information on a statewide basis. In addition, the Preschool Consultant will respond to questions and individual requests from joint agreement directors of special education, regional/local early childhood coordinators, teachers, legislators, Illinois' federally funded Early Education Program for Children with Disabilities (EPCD) project directors, parents, and representatives of other state agencies. Assistance will be provided in delineating appropriate and effective components of early childhood programs; provision of district, joint agreement, and regional technical assistance or training; and location of needed materials and services. The Preschool Consultant will act as a resource person and trainer to meet intra-agency needs, including providing information and inservice training to other units within the department and to other departments within the agency. The Preschool Consultant will also be a member of the Illinois State Board of Education's internal Early Childhood Committee and work with the Interagency Staff Team to coordinate the implementation of the Preschool Grant with that of the Part H Grant.

The Preschool Staff Development Specialist will have responsibility for all major staff development initiatives under the Preschool Grant, including R*TAS, ITAP, the Staff Development Coordination Committee, Comprehensive System for Personnel Development (CSPD), training institutes, and other training/certification initiatives. The Preschool Staff Development Specialist will plan and coordinate statewide conferences and workshops. The Preschool Staff Development Specialist will serve as a liaison to the

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Early Intervention Personnel Development Committee of the State Interagency Council for Early Intervention under Part H, the Higher Education Advisory Committee, and the Higher Education Commission on Early Childhood.

The other professional staff positions will provide additional training and technical assistance, compliance monitoring, procedural safeguards, grants and fiscal management, surrogate parent services, child count and data management, and planning/policy development regarding the development of a statewide, comprehensive service delivery system for children with disabilities from birth through five years of age. The functions performed by these persons will assist in the implementation of the grant.

The support staff persons will assist professional staff members in carrying out grant activities.

- D. Services provided because an LEA or IEU is unable or unwilling to provide special education and related services to preschool-age children with disabilities residing in the area covered by that LEA or IEU:

No such services will be provided.

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Early Childhood Special Education

STRATEGIC PLAN

Goal 1:	Every child will participate in a program with a stated philosophy which is reflected in its curriculum.
Goal 2:	Every child will move in or out of programs according to a written transition plan.
Goal 3:	Every child's assessment will be based on knowledge of child development.
Goal 4:	Every child will have the opportunity to be educated with typically developing peers.
Goal 5:	Every family will have the opportunity to be involved in their child's early education program.
Goal 6:	Every child will be treated with dignity and respect.
Goal 7:	Every child and family will have access to services which are provided in a coordinated manner.
Goal 8:	Every early childhood educator will have a professional image.

Strategy 1: Policy and Resource Analysis	Strategy 2: Information Dissemination	Strategy 3: Training and Technical Assistance	Strategy 4: Discretionary Projects/Model Sites
Activities Policy Review and Revisions EC Program Standards IFSP/IEP Components Noncategorical ECSE Eligibility Removal of Barriers and Disincentives IEPs Community Settings Inventory EC Certification	Activities ECSE Director Early Childhood Intervention Clearinghouse and Newsletter Child Find: Building Better Tomorrows LRE Technical Assistance Document Staff Development Coordination Committee	Activities R*TAS ITAP Training Institutes Head Start/ISBE Agreement Administrators' Academy Parent Training Recruitment and Training of Bilingual Persons Satellite Coursework	Activities Early CHOICES Search for Exemplary Practices Parent-Infant Institutes Diagnostic Programs

Pursuant to the provisions of Ill. Rev. Stat. 1989 ch. 120, par. 1157.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1991.

- "How to Play Instant Slots" instant game instructions
- "How to Play Beginner's Luck" instant game instructions
- "How to Play Slam Dunk" instant game instructions
- "How to Play Cash 'n Fly" instant game instructions
- "How to Play Fat Cat" instant game instructions
- "How to Play Illinois Baseball II" instant game instructions
- "How to Play Hot Stuff" instant game instructions
- "How to Play \$100,000 Fortune Hunt V" instant game instructions
- "How to Play First 'n Ten" instant game instructions
- "How to Play Joker Poker" instant game instructions
- "How to Play Sweet Dreams" instant game instructions
- "How to Play \$100,000 Fortune Hunt [VI]" instant game instructions
- "How to Play Holiday Cash" instant game instructions
- Departmental Directive #91-10: Prize Claim Periods & Requirements
- Game Rules - Instant Game No. 73, "Cash 'n Fly"
- Game Rules - Instant Game No. 74, "Fat Cat"
- Game Rules - Instant Game No. 75, "Illinois Baseball II"
- Game Rules - Instant Game No. 76, "Hot Stuff"
- Game Rules - Instant Game No. 77, "\$100,000 Fortune Hunt V"
- Game Rules - Instant Game No. 78, "First 'n Ten"
- Game Rules - Instant Game No. 79, "Joker Poker"
- Game Rules - Instant Game No. 80, "Sweet Dreams"
- Game Rules - Instant Game No. 81, "\$100,000 Fortune Hunt VI"
- Game Rules - Instant Game No. 82, "Holiday Cash IV"
- Game Rules - Instant Game No. 83, "Doubling Dollars"
- Game Rules - Instant Game No. 84, "Shoot for the Loot"
- Game Rules - Instant Game No. 85, "Winning Spirit"
- Game Rules - Instant Game No. 86, "Lucky 7's"
- \$100,000 Fortune Hunt Preliminary Drawing Procedures (Revised effective 1/11/91, 6/26/91, 8/15/91, 9/26/91)
- \$100,000 Fortune Hunt TV Game Show Procedures (Revised effective 7/2/91, 12/5/91, 12/13/91)
- On-Line Drawing Procedures (Revised effective 6/20/91)
- Megabucks Entry Ticket Preliminary Drawing Procedures
- Megabucks Grand Prize Drawing Procedures
- Cash 'n Fly Entry Ticket Preliminary Drawing Procedures
- Cash 'n Fly Grand Prize Drawing Procedures
- Beginner's Luck Entry Ticket Preliminary Drawing Procedures
- Beginner's Luck Grand Prize Drawing Procedures

Fat Cat Entry Ticket Preliminary Drawing Procedures
"Lottery News" Releases: Finalist Lists for Cash 'n Fly,
and Beginner's Luck Instant Game Grand Prize Drawings
Lotto and little lotto Winning Numbers
Instant Game Sale and Claim Dates (All games since 1975)

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer
Illinois Department of the Lottery
P. O. Box 19080
Springfield, Illinois 62794-9080

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 2, 1992 through January 7, 1992, and have been scheduled for review by the Committee at its February meeting. Other items not contained in this published list may also be considered by the Committee at its February meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
2/20/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.440, 140.441, 140.442 and 140.449)	8/30/91 15 Ill. Reg. 12171	2/4/92
2/21/92	Pollution Control Board, Management of Used and Waste Tires (35 Ill. Adm. Code 848)	9/6/91 15 Ill. Reg. 13004	2/4/92

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NOTICE OF PUBLIC HEARING

ATTENTION DEPARTMENT OF THE POLICE

ILLINOIS REGISTER

ACTION CODES

ICAR - Joint Committee on Administrative Rules

A	- Adopted Rule	P	- Proposed Rule
AR	- Adopted Repealer	PF	- Prohibited Filing Ordered by ICAR
C	- Notice of Corrections	PP	- Peremptory or Court ordered Rules
CC	- Codification Changes	PR	- Proposed Repealer
E	- Emergency Rule	R	- Refusal to meet ICAR objection
ER	- Emergency Repealer	RC	- Statement of Recommendation
M	- Modification to meet ICAR objections	S	- Suspension ordered by ICAR
O	- ICAR Statement of Objections	W	- Withdrawal to meet ICAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 III. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME PAGE NUMBER ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 783-2786.

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 303 Conditions of Employment (P-327)
 80 Ill. Adm. Code 304 General Provisions (P-334)
 80 Ill. Adm. Code 302 Merit & Fitness (P-336)
 80 Ill. Adm. Code 310 Pay Plan (P-342) (E-711)

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14 Ill. Adm. Code 520 Enterprise Zone Program (P-9787/91; A-89)

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17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-14157/91; A-570)
 17 Ill. Adm. Code 1010 III. List of Endangered & Threatened Fauna (P-13594/91; A-103)
 17 Ill. Adm. Code 880 Taking of Reptiles & Amphibians, The (P-13603/91; A-109)
 17 Ill. Adm. Code 1538 Urban Forestry Grant Program (P-775)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 235 Preschool Educational & Coordinated Model Preschool Educational Programs (P-439)

EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-13252/91; A-113)
 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-13257/91; A-118)
 56 Ill. Adm. Code 2327 Employment (P-785)

INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 3119 Pre-Licensing & Continuing Education (P-11055/91; A-126)

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56 Ill. Adm. Code 350 Health & Safety (P-1)

LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD

20 Ill. Adm. Code 1720 III. Police Training Act (E-727)

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

59 Ill. Adm. Code 132 Medicaid Community Mental Health Services Program (P-7) (E-211)

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20 Ill. Adm. Code 1810 Rules for the Award & Monitoring of Trust Funds (P-469) (E-732)
 20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-10)

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 243 Air Quality Standards (P-16)
 35 Ill. Adm. Code 244 Episodes (P-22)
 35 Ill. Adm. Code 720 Hazardous Waste Management System; General (P-791)
 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-820)
 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-875)
 35 Ill. Adm. Code 728 Land Disposal Restrictions (P-916)
 35 Ill. Adm. Code 703 RCRA Permit Program (P-1058)
 35 Ill. Adm. Code 809 Special Waste Hauling (P-13017/91; A-130)
 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-1112)
 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-1123)
 35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste & Specific Types of Hazardous Waste Management Facilities (P-1148)
 35 Ill. Adm. Code 212 Visible & Particulate Matter Emissions (P-41)

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89 Ill. Adm. Code 121 Food Stamps (E-757)
 89 Ill. Adm. Code 120 Medical Assistance Programs (P-12137/91; A-139)
 89 Ill. Adm. Code 140 Medical Payments (P-65) (E-300) (P-12171/91; A-174) (P-472)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-4280/91; A-594)
 77 Ill. Adm. Code 390 Long-Term Care for Under Age 22 Facilities Code (P-4309/91; A-623)
 77 Ill. Adm. Code 330 Sheltered Care Facilities Code (4338/91; A-651)
 77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (4367/91; A-681)

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89 Ill. Adm. Code 510 Appeals & Hearings (P-69)

SECRETARY OF STATE

92 Ill. Adm. Code 1030 Issuance of Licenses (P-1271)

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92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-8193/91; A-194)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES		
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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking occurred in the previous issues of this volume year, the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry read: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Title: of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING	ACTION CODES
am = amendment to existing Section	A = Adopted rule
cc = codification changes	C = Correction
n = new Section	CC = Codification Changes
r = repeal of existing Section	E = Emergency rule
re = reclassified	F = Failure to Remedy Objections
# = renumbered	M = Modification
	O = ICAR Objection
	P = Proposed rule
	PF = Prohibited Filing
	PP = Peremptory rule
	R = Refusal to Modify or Withdraw
	RC = ICAR Recommendation
	S = Suspended rule
	W = Withdrawal of Proposed rule

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TITLE 95 (CONT'D)		
121.50	n	(P-561)
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121.70	n	(P-561)
121.80	n	(P-561)
121.90	n	(P-561)
121.100	n	(P-561)
121.110	n	(P-561)
121.120	n	(P-561)
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121.200	n	(P-561)
121.210	n	(P-561)
121.220	n	(P-561)
121.230	n	(P-561)

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TITLE 59 (CONTD)	Tb. A	n	(P-7) (E-211)	120.218
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				120.230
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	750.40	am	(P-15035/91; A-203)	120.236
	750.4p	am	(P-15035/91; A-203)	120.240
	750.Ap. C	n	(P-15035/91; A-203)	120.245
TITLE 77		am	(P-4367/91; A-681)	120.250
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	300.130	am	(P-4367/91; A-681)	120.260
	300.620	am	(P-4367/91; A-681)	120.261
TITLE 80	300.120	am	(P-4338/91; A-651)	120.262
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	350.120	am	(P-4280/91; A-594)	120.271
	350.330	am	(P-4280/91; A-594)	120.272
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	303.385	n	(P-327)	120.295
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	310.230	am	(P-342)	140.5
	310.490	am	(P-342) (E-711)	140.27
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	310.Tb. Q	am	(P-342)	140.612
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		am	(P-342)	510.110
		am	(P-342)	510.110

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